SENATE—*Wednesday, February 4, 1998*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Loving Father, our desire to pray is a result of Your greater desire to love us, guide us, and strengthen us. Prayer is Your idea, implanted in our minds because You want to communicate Your vision to us. We praise You for Your providential care for this Nation. You have chosen to work through the women and men of this Senate to accomplish Your very best for the United States. No matter is too small to escape Your concern, nor too complex to resist Your solutions. When we respond to Your invitation to prayer, unlimited intelligence and indefatigable courage are given to us. We find answers beyond our human skill and experience an openness to work together in unity beyond our human competitiveness and combative party spirit. Here we are, Father; our minds snap to attention and our hearts salute You as Sovereign. May our communication with You provide us with supernatural briefing all through this day. Through our Lord and Saviour. Amen.

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The able majority leader, Senator LOTT, from Mississippi is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period of morning business today until 10:30 a.m. Under a previous order, the Senate then will resume consideration of S. 1575, legislation renaming National Airport after former President Ronald Reagan. Under this consent that was entered into yesterday, there will be 4 minutes equally divided in the usual form before each vote on the remaining four amendments in order to S. 1575—amendment No. 1643 offered by Senator ROBB, amendment No. 1641 offered by Senator DODD, amendment No. 1640 offered by Senator REID, and amendment No. 1642 offered by Senator DASCHLE—with a vote on final passage of S. 1575 following those votes.

I guess it is possible still that there may be some change, some agreement on one of these amendments, at least where a recorded vote might not be necessary. But at this point we expect four votes on amendments and final passage beginning at 10:30.

After that, the Senate will begin debate on the nomination of David Satcher to be Surgeon General. We do not know exactly how long will be needed for that debate, but at least the balance of the afternoon is anticipated, and it could actually go over until tomorrow. Senators will be notified if there are going to be additional votes today. There could be a vote on the Satcher nomination late this afternoon if we complete the debate and Senators are ready to vote; otherwise, it is anticipated the vote would then occur on the Satcher nomination tomorrow.

We will consult with Senators about legislation that may come up tomorrow. We have a number of issues we are still working on, and we will make that announcement late this afternoon.

I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to exceed beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT—AMENDMENT NO. 1640

Mr. REID. Mr. President, we will shortly be called upon to vote on an amendment that I offered yesterday with Senator TORRICELLI to change the name of the J. Edgar Hoover FBI Building, in effect to take his name off the building and have it referred to as the FBI Building.

That underlying amendment is really about how we honor those who undertake the profession of public service. The amendment is about those who serve the public and also contrasting that with those who abused its trust and violated the rights of thousands of public and private citizens.

Mr. President, we dishonor our undisputed reputation as the greatest defender of civil liberties in the world by maintaining the name of J. Edgar Hoover on the FBI's headquarters. This amendment will remove one of the last vestiges of McCarthyism still on display in Washington.

Yesterday, Mr. President, I talked about some of the things that he did. I talked about some of the people he abused, such as Joe Louis.

Today, I am going to talk about a few more people whose civil rights he violated. Irving Berlin, the man who wrote "God Bless America," and "White Christmas" and hundreds of other songs, was a person that J. Edgar Hoover investigated endlessly for years. Irving Berlin did not die until he was 101 years old, but he was investigated by J. Edgar Hoover for most of his life.

He conducted surveillance on Albert Einstein, Wernher Von Braun, Vice President Hubert Humphrey, Marilyn Monroe, Clark Gable, Rock Hudson, Elvis Presley, Senator John Tower, Cesar Chavez.

Mr. President, in Chavez's case, the FBI seemed omnipresent, tuning in to the Reverend Jesse Jackson's radio broadcasts dealing with Cesar Chavez when Jesse Jackson was simply appealing for support for the farm workers. Chavez created so much concern by J. Edgar Hoover that they had many FBI agents keeping tabs on a Valentine's Day dance at Grand Rapids Junior College in Michigan where there was literature being distributed about a grape boycott. He even had investigators following people who were on a 12-man march dealing with the grape boycott.

We simply do not honor the historical record of this country by maintaining this man's name on Bureau headquarters.

Mr. President, in a biography that I talked about yesterday, written by Curt Gentry, which he spent 10 years writing, Gentry says that Hoover used his FBI files to advance the careers of numerous politicians he liked, including President Nixon, and against those he did not like, including the Kennedys, Estes Kefauver and Adlai Stevenson.

Gentry further said that extensive records were maintained on the suspected amorous adventures of President Kennedy. And Hoover ordered the bugging of the entire Justice Department during Bobby Kennedy's tenure as Attorney General. Gentry isn't saying that he maintained wiretaps of various places in the Justice Department, but everything was wiretapped in the Justice Department.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

So the list is endless of people who this man thought was suspicious. There is no question in my mind that he is the greatest violator of human rights during this century in this country. That says a lot. I hope that my colleagues will remove from that building something that is and should be an embarrassment to all people who believe in human rights.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAMS. Mr. President, I want to rise today to introduce the Survivors of Torture Support Act and to ask my colleagues for their support, and I send the bill to the desk.

The PRESIDING OFFICER. The bill will be received and referred to the appropriate committee.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1603 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1575, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

The Senate resumed consideration of the bill.

Pending:

Reid Amendment No. 1640, to redesignate the J. Edgar Hoover FBI Building in Washington, District of Columbia, as the "Federal Bureau of Investigation Building".

Dodd Amendment No. 1641, to establish a Federal Facilities Redesignation Advisory Group to consider and make recommendations for the renaming of existing Federal facilities.

Daschle Amendment No. 1642, to require the approval by the Metropolitan Washington Airports Authority of the renaming of Washington National Airport as the Ronald Reagan National Airport.

Robb Amendment No. 1643, to provide an orderly process for the renaming of existing Federal facilities.

AMENDMENT NO. 1643

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes equally divided in the usual form on amendment No. 1643 offered by the Senator from Virginia, (Mr. ROBB).

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia, (Mr. COVERDELL), is recognized.

Mr. COVERDELL. Mr. President, I rise in opposition to the amendment. My remarks were made last night. In essence, the amendment by my distinguished colleague from Virginia vitiates or makes moot the entire effort of the bill. His amendment has the effect of nullifying what we have been endeavoring to do throughout the week.

I might take another second to say that several of these amendments that have been offered—and I see the Senator from Nevada here—have considerable merit and substance. The problem is that we have used the week in a very inefficient way. I have been up very late last evening and early this morning endeavoring to resolve this matter and deal with some of these amendments that don't nullify the legislation, but there is not time now to deal with this effectively with the House and meet the attempt to have this occur on the President's birthday. So the week has cost us the ability to resolve some of the other issues. In any event, I would have been opposed to the amendment offered by the good Senator from Virginia.

I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia, Mr. ROBB, is recognized.

Mr. ROBB. Mr. President, I suggest that the lack of time is part of the problem that we are dealing with here, as just alluded to by the distinguished Senator from Georgia. This is not the right way to do what we propose to do, even if that is our objective.

This amendment, crafted by the minority leader's office, would simply provide a procedure whereby there would be input from the local jurisdictions. The problem right now is that this bill was introduced, held at the desk, and there were no committee hearings, no committee votes, no public hearings on the matter. We have heard from countless people who have a local interest. Those jurisdictions—Alexandria, Arlington, Washington Metropolitan Airports Authority, Greater Washington Board of Trade—are against it. Normally, even in judgeships we give the local Senators input on whether the judge who would be sitting in their particular jurisdiction ought to go forward without some additional debate. You do not have the support of either of the local Senators or the local Members of Congress on this. I normally don't suggest this is scientific or pay that much attention to sheer numbers, but the calls are overwhelmingly against proceeding with this. This sets up a procedure so that we can consider it in an appropriate manner.

With that, I think my two minutes are about up. I ask for the support of this amendment. Senator DASCHLE has an amendment that is even more precise and specific, if we want to deal with this issue in a very short period of time. But the problem is the lack of time to thoughtfully consider the implications for the renaming, as well as for all of the local jurisdictions concerned.

With that, I yield whatever time I have remaining.

Mr. COVERDELL. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Georgia has approximately 35 seconds.

Mr. COVERDELL. Mr. President, I just say that I think there has been sufficient time to consider a very uncomplicated issue here, renaming the airport Ronald Reagan Washington National Airport.

As I said to the Senator last evening, the Governor of his State does support this. This is not the Alexandria airport; this is a national airport.

I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question occurs on amendment No. 1643, offered by the Senator from Virginia, Mr. ROBB. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—35

Akaka	Glenn	Leahy
Baucus	Graham	Levin
Biden	Harkin	Mikulski
Bingaman	Hollings	Moseley-Braun
Bryan	Inouye	Murray
Bumpers	Johnson	Reed
Cleland	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Sarbanes
Dorgan	Kohl	Torricelli
Feingold	Landrieu	Wellstone
Ford	Lautenberg	

NAYS—63

Abraham	Byrd	Dodd
Allard	Campbell	Domenici
Ashcroft	Chafee	Durbin
Bennett	Cochran	Enzi
Bond	Collins	Faircloth
Boxer	Coverdell	Feinstein
Breaux	Craig	Frist
Brownback	D'Amato	Gorton
Burns	DeWine	Gramm

Grams	Lieberman	Sessions
Grassley	Lott	Shelby
Gregg	Lugar	Smith (NH)
Hagel	Mack	Smith (OR)
Hatch	McCain	Snowe
Helms	McConnell	Specter
Hutchinson	Murkowski	Stevens
Hutchison	Nickles	Thomas
Inhofe	Roberts	Thompson
Jeffords	Rockefeller	Thurmond
Kempthorne	Roth	Warner
Kyl	Santorum	Wyden

NOT VOTING—2

Coats	Moynihan

The amendment (No. 1643) was rejected.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, there will now be——

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes in length.

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

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1641, AS MODIFIED

Mr. DODD. Mr. President, I ask unanimous consent to send a modification of my amendment to the desk.

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

The modification is as follows:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) IN GENERAL.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) PURPOSE.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) CRITERIA.—

(1) IN GENERAL.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriateness of the proposed name for the facility, taking into account any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the costs.

(2) AGE AND CURRENT OCCUPATION.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) HEARINGS, ETC.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until at least 60 days after the date of the meeting at which the proposal was considered.

(3) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) REPORTS.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RENAME FEDERAL FACILITY.

(a) IN GENERAL.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) RULES OF EACH HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change the rules (so far as relating to the procedure of the Senate or House of Representatives, respectively) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADVISORY GROUP.—The term "Advisory Group" means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) FEDERAL FACILITY.—The term "Federal facility" means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

TITLE III—SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS

SEC. 301. SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS.

It is the sense of the Senate that Congress should establish, in accordance with the rules of the Senate and the House of Representatives, a commission consisting of the Architect of the Capitol and of former members of Congress, appointed by the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, to recommend the naming or renaming of—

(1) architectural features of the Capitol (including any House or Senate office building); and

(2) landscape features of the Capitol Grounds.

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided for each side on the amendment as modified.

Mr. DODD. Mr. President, let me, first of all, say to my colleagues here, my intention, as I have said earlier, is to support the underlying legislation to name the airport in honor of Ronald Reagan.

As I said yesterday, I certainly had no lack of disagreements with Ronald Reagan during the 8 years of his stewardship but believe that a two-term President deserves to be recognized. And if it is the desire of his family and others to rename this airport, given the fact it has had name changes over the years, I do not object to that. I had offered this amendment for the purpose of dealing in the future with these same issues.

In a sense, Mr. President, it has become sort of a modern day graffiti when we run around naming things here willy-nilly, both on the Capitol grounds and in this city. We are mere custodians of these facilities; we don't own them, and we ought to have a process by which we make solid determinations about whose names are associated with great monuments, buildings and rooms that we have. When we as an institution decided to decorate the reception room with five of our former colleagues, it was Senator John Fitzgerald Kennedy who chaired that commission—I look to my colleague from West Virginia as our historian—where a deliberative process went forward and that decision was made.

It seems to me we as a body ought to adopt something like this so that we

are not faced with these situations year in and year out.

Now, Mr. President, I gather from talking with my colleague and friend from Georgia that my amendment to the underlying legislation is going to be rejected, but I hope that we might consider something like this amendment at the appropriate place. Unfortunately, what happens in the absence of a decision like this, these matters get shunted aside and we do not bring them up again until the next issue emerges. But I happen to believe that setting up a commission that would deal with these issues, having a commission made up of former Members to deal with Capitol grounds, possibly the Architect of the Capitol included, is the way we ought to go about the process of naming rooms, buildings, and renaming facilities, Federal facilities, here in Washington and elsewhere.

Having said that, I know my colleague from Georgia will want to be heard on this. When he completes his comments, I will withdraw my amendment and hope that at some point in the not too distant future we can bring this matter up through the Rules Committee or other such committees where it would be appropriate. I see my colleague from Texas who I know is interested in this as well.

The PRESIDING OFFICER. The Senator from Texas.

Who yields time to the Senator from Texas?

Mr. COVERDELL. How much time have we remaining?

The PRESIDING OFFICER. The Senator from Georgia has 2 minutes remaining.

Mr. COVERDELL. I ask unanimous consent the Senator from Texas be granted 1 minute to make her comments on this matter.

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

Mrs. HUTCHISON. I agree with what the Senator from Connecticut is doing in laying this aside. I do think we need a process and procedure. I am on the Rules Committee. I will work with the Senator from Georgia and our leadership as well as the Democratic leadership. I would like to see us have a process in which all the views are represented and then we can go forward. And I pledge to the Senator from Connecticut my support.

Mr. BAUCUS. Mr. President, will the Senator yield?

Mr. President, who has time?

The PRESIDING OFFICER. The Senator from Georgia controls the time.

Mr. BAUCUS. Will the Senator yield for just 15 seconds?

Mr. COVERDELL. I yield.

Mr. BAUCUS. I might inform the Members there is a process. It is the Environment and Public Works Committee. If this bill had been referred to the proper committee, we would have gone through the proper process. That committee has jurisdiction over public buildings. We have rules as to naming and when not to name buildings after whom and under what circumstances. There is a process. One of the problems with this whole procedure here today is the process was skirted. The process wasn't used.

Mr. President, this is a very difficult issue for me, but I am going to be voting against the underlying bill basically because I do not think we should displace George Washington, our Founding Father, with what we might be doing here, and a whole host of other reasons which I do not have time to get into.

There is a process. We are not following it.

The PRESIDING OFFICER. The Senator from Georgia has 1½ minutes remaining.

Mr. COVERDELL. Mr. President, I should like to address my remarks to my colleague from Connecticut. He appeared yesterday. He has been very facilitating to the effort. I appreciate very much what he and my colleague from Texas are endeavoring to do. As I said to him this morning, I look forward to joining with him in his attempt to prospectively deal with these kinds of issues in the future. I am very appreciative of his collegiality.

I would say, as I have said repeatedly, that there are certain extraordinary conditions associated with the manner in which we are dealing with this issue. The former President's birthday is this Friday, and he is facing the most difficult battle he has faced in his life. And he has faced many. This is a spontaneous response to that. I will leave it at that. But I do want to again thank the Senator from Connecticut and make known that I intend to join with him in his efforts prospectively to deal with these sorts of matters.

I yield back all time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1641, AS MODIFIED, WITHDRAWN

Mr. DODD. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 1640

The PRESIDING OFFICER. Under the previous order there will now be 4 minutes of debate equally divided in the usual form on amendment No. 1640 offered by the Senator from Nevada, Mr. REID.

The Senator from Nevada is recognized.

Mr. REID. My friend from Connecticut indicated that any amendment that was offered to this bill was rejected. I have not heard that. I have not heard a single person come forward and speak against the amendment I have offered. I suggest that this amendment would not hold up this bill one bit; that anyone voting against this amendment is voting against good Government. There is not an organization in this country that is concerned about human rights or civil rights that wants J. Edgar Hoover's name on the FBI building. This is a building that houses officials sworn to defend and protect the Constitution of the United States, our civil liberties, the liberties of all Americans. No official in the history of this country has done more to violate the rights of people than J. Edgar Hoover. Consider going after Irving Berlin, the man who wrote God Bless America. He is one of scores of people I have talked about these last few days.

I think we should honor those who work in that building by removing this man's name from the building. It is one of the most popular places to visit by visitors that come to this Nation's Capital, and they should not be subjected to a building with this man's name on it.

Mr. President, Ronald Reagan stands for what is good about this country. J. Edgar Hoover stands for what is bad about this country. This small man violated the rights of hundreds, if not thousands, of people, famous and not so famous. He was a vindictive, petty man who harassed and abused untold thousands during his entire 48 years as the Director of the Federal Bureau of Investigation. We should remove the last segment of the McCarthy era by deleting his name from one of the most important buildings in this city.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. First, let me say to my colleague from Nevada I appreciate the remarks he made about the underlying bill. We do have a logistical problem here in terms of—and we have spent the better part of the week perhaps in a less efficient manner than we could have, and it has robbed me of the opportunity to iron the way on the other side, so I regretfully will in a moment move to table the amendment.

It may not be much comfort to the Senator from Nevada at this time, but I would welcome working with him. Obviously, there have been a number of assertions made about the individual to which the Senator from Nevada takes umbrage. It is a complex issue, and as I said I simply do not have time, given where we are in the week and what we are attempting to do, to resolve the matter in the House. So for that reason, Mr. President, I move to table the amendment.

Mr. HATCH. Will the Senator withhold for just a short moment?

Mr. COVERDELL. I withhold my motion.

Mr. HATCH. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Georgia has 40 seconds remaining.

Mr. COVERDELL. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank my colleague.

I oppose this amendment. Yes, there are things that can be said, but there are many things that have been accomplished during the tenure of Hoover. I have to say there is a raft of FBI agents who would be very offended by this. And I don't think we should do it. As a matter of fact, if we go back through time, if you look at all the good things that were done and all the many accomplishments of the FBI, you have to conclude there was an awful lot that we have to be proud of even though there are some things that are certainly to be criticized and rightfully so.

When the Senate takes action to honor—or discredit—men and women who have favorably shaped this Nation, we should do so only after careful reflection and deliberation. We must also be careful not to allow the faults or excesses of an individual overshadow the contributions they have made to our country.

I think we need to consider the negative effect passage of this amendment could have on an institution that has made a profound contribution to the safety and security of this Nation. The FBI is deservedly recognized as the preeminent law enforcement agency in the world. And whether we care to like him or not, unlike any other institution in our Federal Government, there is one person that is directly responsible for the FBI's rise in prominence, J. Edgar Hoover. Under Hoover, the FBI was transformed from a small sleepy Washington office, into the major force thwarting criminal activity in this country.

Hoover took over the FBI in May 1924 and placed the Bureau at the forefront in combating the major gangster activity of that era. The FBI was directly responsible for the arrest of notable gangsters such as John Dillinger and Baby Face Nelson. During World War II the FBI spearheaded efforts to uncover Nazi saboteurs and spies infiltrating the United States in an effort to disrupt the Allied war effort.

In the 1950's under Hoover's leadership the Bureau was instrumental in the identification and arrest of Soviet Spies of the likes of Sobel and Abel, as well as the arrest of Julius and Ethel Rosenberg. Remember also, that it was the Hoover FBI that cracked the infamous Brinks robbery in Boston, loudly touted as the "Crime of the Century" at that time.

Among many other responsibilities, the FBI played a vital role in the 1960's in fighting deep seated racism in the deep south. It was Hoover's FBI that combated threats from the Ku Klux Klan. It was this same FBI that investigated the infamous "Mississippi Burning" case that brought to justice those responsible for the senseless murder of 3 civil rights workers. It was this same FBI that brought James Earl Ray to justice. It was also the Hoover FBI of the 1960's that conducted an extensive investigation into organized crime that led to the identification of an enormous criminal network stretching from Chicago to New York and Boston, and touched the lives of countless communities in between. Today we recognize this network as La Cosa Nostra.

This is merely a snap shot of the considerable accomplishments made by the FBI under the leadership of J. Edgar Hoover. Let me remind my colleagues that the day after his death in 1972, Hoover's body was laid in State in the Rotunda of the Capitol—an honor bestowed upon only 21 other Americans in the history of this great Nation.

In his death, despite revelations that have been made, it is undeniable that Hoover's legacy in building the FBI to its current stature continues to have a profound effect upon the safety and security of this Nation. From the investigation and arrest of those responsible for the World Trade Center bombing, to the recent conviction of Unabomber Ted Kaczynski; from the arrest of CIA agent Aldrich Ames for espionage, to the investigation that resulted in the convictions of Timothy Macveigh and Terry Nichols for the Oklahoma City bombing, the FBI continues to be recognized as a vital component of law enforcement. Let us honor the legacy of this honorable institution, by continuing to give appropriate recognition to Mr. Hoover, the principal architect in its rise to prominence.

In reviewing my colleague from Nevada's reasoning for this amendment, it is clear that he believes he is doing the right thing. I do not question his sincerity. But I do not think the Senate should act on accounts contained in a single book.

More importantly, we are here today to honor President Reagan. I urge each of my colleagues to address this issue alone without being compelled to bring other agencies or memorials into the equation.

So I hope our colleagues will vote against this amendment. I respect my good friend from Nevada, but I oppose this amendment.

Mr. COVERDELL. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table amendment No. 1640 offered by the Senator from Nevada, Mr. REID. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—62

Abraham	Frist	McCain
Allard	Graham	McConnell
Ashcroft	Gramm	Murkowski
Baucus	Grams	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Rockefeller
Breaux	Hagel	Roth
Brownback	Hatch	Santorum
Burns	Helms	Sessions
Byrd	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Cochran	Inhofe	Smith (OR)
Collins	Jeffords	Snowe
Coverdell	Johnson	Specter
Craig	Kempthorne	Stevens
D'Amato	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Lieberman	Thurmond
Domenici	Lott	Warner
Enzi	Lugar	Wellstone
Faircloth	Mack	

NAYS—36

Akaka	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Ford	Levin
Boxer	Glenn	Mikulski
Bryan	Gorton	Moseley-Braun
Bumpers	Harkin	Murray
Chafee	Hollings	Reed
Cleland	Inouye	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Sarbanes
Dorgan	Kerry	Torricelli
Durbin	Landrieu	Wyden

NOT VOTING—2

Coats	Moynihan

The motion to lay on the table the amendment (No. 1640) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I want to compliment the manager of the bill for his good arguments.

Mr. DASCHLE. Mr. President, we still do not have order.

The PRESIDING OFFICER. The Democratic leader is correct, we do not have order. The Senate will be in order. The Senator from Utah.

Mr. HATCH. Mr. President, I want to compliment the manager of the bill and others who voted against this amendment. I know it was sincerely brought, and I know that there may be some arguments that some could raise. But in all honesty, the FBI has been one of our most venerable institutions for all of these years.

We know that the former Director deserves most of the credit for building it and that there are literally thousands of FBI agents who would have been very upset if that amendment was adopted.

I thank all of our colleagues for having voted to table the amendment, and I hope that we do not do this in the future. We do not put names on buildings idly, and we do not do them facetiously, and we do not do them foolishly. Once they are there, we ought to remember the traditions and history and the good things that really were done. All of us have faults, all of us make mistakes, and all of us need to work out our own repentance for things that we do from time to time.

So I thank everybody who did vote to table the amendment for having done so, and I think they did the right thing.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent to be allowed to speak for 2 minutes.

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

Mr. REID. Mr. President, I say to my friend from Utah and others who voted to table this amendment that I think it was a bad vote. The fact of the matter is, when the name was placed on this building, J. Edgar Hoover's record was not clear to the American public. It was not clear that he conducted investigations of Irving Berlin and hundreds and hundreds of other people.

I say without any qualification, there is no one this century who has violated the human rights and civil rights of America's citizens more than J. Edgar Hoover.

I have the greatest respect for the chairman of the Judiciary Committee, my good friend, but on this issue, I think he is flat wrong, and I think we missed an opportunity to take a person's name off a building that should be an embarrassment and is an embarrassment to the people who work inside that building, as reflected in private conversations with an FBI agent today.

AMENDMENT NO. 1642

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes equally divided in the usual form on amendment No. 1642 offered by the Democratic leader, Mr. DASCHLE. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, thank you. I had the opportunity to discuss this amendment last night. President Reagan stood for a lot of things, but I think the things for which we identify him more than anything else is local control, the need to ensure that at the local level, government is given the greatest opportunity.

In 1987, President Reagan signed a bill into law that provided authority to the Metropolitan Washington Airports Authority for all decisionmaking regarding the operation of the Washington National Airport. That was 11 years ago. My amendment, Mr. President, simply says, let's keep the spirit of Ronald Reagan alive as we pass this piece of legislation; let's ensure that the Metropolitan Washington Airports Authority, in keeping with local control, has an opportunity to voice its approval. That is what this amendment does.

Mr. FORD. Mr. President, may we have order? There are pockets of conversation all over this Chamber, and I want my leader to be heard.

The PRESIDING OFFICER. The Democratic leader deserves to be heard. Conversations will cease or be removed from the Senate Chamber. The Democratic leader is recognized.

Mr. DASCHLE. I thank my friend from Kentucky and I thank the Presiding Officer.

I simply conclude, Mr. President, by saying if we are for local control, if we are for the spirit of what Ronald Reagan represented, then we all ought to be supporting this amendment. This amendment, again, simply says, let's give the Washington Airports Authority the authority given to them by President Reagan in 1987, the opportunity to be heard, to have a voice, to say yes. So I hope my colleagues will join me in the adoption of this amendment.

Mr. REID. Will the leader yield?

Mr. DASCHLE. Whatever time I have remaining I will be happy to yield to the Senator from Nevada.

Mr. REID. Mr. President, I just say briefly to my friends on the other side of the aisle, I support renaming the airport after President Reagan, but using the logic of my friend from Utah, the chairman of the Judiciary Committee, he said you should not change the name of existing buildings. I assume that should also apply to airports. So if that logic is carried through, I would think everybody on the other side of the aisle would vote against renaming this airport for the President.

Mr. COVERDELL. Mr. President, I yield the manager's time to my distinguished colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I think we all ought to understand that if this amendment were accepted, it would kill our effort to rename Washington National Airport after President Ronald Reagan. So let's be very clear about the effect of this amendment.

Second of all, again, I am intrigued by this continuous argument from the other side that Washington National Airport, which identifies the airport as servicing Washington, DC, is somehow George Washington. Obviously, we know that is not true.

If we want to give local control to National Airport and the Metropolitan Washington Airports Authority, I strongly suggest to my friend, the distinguished Democratic leader, that we repeal the perimeter rule which is a Federal law which prevents aircraft from flying any further west than the far western end of the runway at Dallas-Fort Worth Airport, a law that was passed by former Speaker of the House Jim Wright who happens, as we all know, to reside there.

So, if we are going to give truly local control, I hope the distinguished Democratic leader would want to remove Federal laws that also affect Washington National Airport which, frankly, has affected the lives of millions of Americans for many years in preventing them from going from one end of this country to the other without stopping in between.

So I say to my colleagues, have no doubt about the effect of this amendment. It would kill our ability to do an appropriate thing and, if I may add as an aside, I hope we get this done pretty soon, because I think everybody knows how we and the majority of the American people feel about this issue.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1642 offered by the Democratic leader, Mr. DASCHLE. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—35

Akaka	Glenn	Levin
Baucus	Harkin	Mikulski
Bingaman	Hollings	Moseley-Braun
Breaux	Inouye	Murray
Bryan	Johnson	Reed
Bumpers	Kennedy	Reid
Cleland	Kerrey	Robb
Conrad	Kerry	Sarbanes
Daschle	Kohl	Torricelli
Dorgan	Landrieu	Warner
Feingold	Lautenberg	Wellstone
Ford	Leahy	

NAYS—63

Abraham	Durbin	Lieberman
Allard	Enzi	Lott
Ashcroft	Faircloth	Lugar
Bennett	Feinstein	Mack
Biden	Frist	McCain
Bond	Gorton	McConnell
Boxer	Graham	Murkowski
Brownback	Gramm	Nickles
Burns	Grams	Roberts
Byrd	Grassley	Rockefeller
Campbell	Gregg	Roth
Chafee	Hagel	Santorum
Cochran	Hatch	Sessions
Collins	Helms	Shelby
Coverdell	Hutchinson	Smith (NH)
Craig	Hutchison	Smith (OR)
D'Amato	Inhofe	Snowe
DeWine	Jeffords	
Dodd	Kempthorne	
Domenici	Kyl	

Specter	Thomas	Thurmond
Stevens	Thompson	Wyden

NOT VOTING—2

Coats	Moynihan

The amendment (No. 1642) was rejected.

Mr. COVERDELL. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, as we move into a vote on final passage, it still seems somehow impossible that 23 years have passed since that genial American—the one who had starred in movies and television, who early in his career had been a talented sports broadcaster, who served as a commissioned officer during World War II and who had served with distinction as Governor of California—that this remarkable man yielded to the urgings of thousands of his fellow Americans and tossed his hat in the ring for consideration as the 1976 Republican presidential nominee.

But in the instance of Ronald Reagan, history proves that tempus does fugit. It has indeed been 23 years. Ronald Reagan has done all of the above, and done them well. But when he agreed to be a candidate for the Presidential nomination, there were few who foresaw the profound effect this remarkable American would have on his party, his country—and the entire world.

Mr. Reagan did not, of course, win the nomination in 1976. But he did lay the groundwork for 1980 when delighted Republicans chose him as the party's standard bearer in the presidential election that year.

He won overwhelmingly and, as Paul Harvey always says, now you know the rest of the story.

Mr. President, I had known Ronald Reagan for some years when he announced in 1976—the year when I was in the middle of my first six years in the U.S. Senate. Like Mr. Reagan I had once been a registered Democrat—and I confess that I was stunned on that November 1992 evening when the election returns were coming in that I had become the first U.S. Senator ever elected by the people of North Carolina.

I was disappointed in 1976 when Mr. Reagan failed to win the GOP primary for president because it seemed clear to me then, and clear to millions of others, that Ronald Reagan was an eloquent and forceful defender of conservative values. For that reason, and because of my friendship with him, I became the first sitting Senator in 1976 to endorse Candidate Reagan for the Presidency—a fact that I shall forever note with pride because history is already clear that Mr. Reagan was the outstanding President of the 20th Century.

There have been others who served well but it was President Ronald Reagan who stout-heartedly defended Thomas Jefferson's counsel that the least government is the best government.

Indeed, the enormity of President Reagan's domestic achievement boggles the mind. Consider the unprecedented Gross National Product expansion and job creation after a period of failed statist economic policies; declining interest rates that allowed entrepreneurs to enter the market, bringing energy and innovation to countless industries; tax cuts that at long last allowed Americans to keep more of what they earned; a long overdue hiatus in the unchecked growth of the federal bureaucracy. Simply put, our economy is strong and vibrant today because Ronald Reagan had the courage to trust the free market.

Ronald Reagan did all of this, yes, but the real heart of his legacy will forever rest upon in his courageous opposition to communism and totalitarianism opposition that led to the birth of freedom in Eastern Europe and the end of the Cold War.

Two years before the remarkable fall of the Berlin Wall, Ronald Reagan traveled to Berlin, stood at the Brandenburg Gate, and thundered: "As long as this gate is closed, as long as this scar of a wall is permitted to stand, it is not the German question alone that remains open, but the question of freedom for all mankind."

In this cynical age, when so many ridicule anyone attempting to divine the difference between right and wrong, Ronald Reagan dared to believe in democracy. It was, perhaps, his old-fashioned belief in the goodness of America and all that it represented that led him to understand what so many so-called experts failed to understand: that the Cold War was a struggle not of military might or economic theory, but of the human spirit's longing to be free.

President Reagan never lacked detractors—it seems there is no easier way to arouse scorn than to stand up for traditional values—but even his most vociferous opponents stood in awe of his amazing rhetorical gifts. They called him the "Great Communicator." But President Reagan—with his typical humility—rejected the moniker. In his farewell address to the Nation, delivered on January 11, 1989, he said:

> I never thought it was my style or the words I used that made a difference: it was the content. I wasn't a great communicator, but I communicated great things, and they didn't spring full bloom from my brow, they came from the heart of a great nation—from our experience our wisdom, and our belief in the principles that have guided us for two centuries. They called it the Reagan revolution. And I'll accept that, but for me it always seemed more like the great rediscovery, a rediscovery of our values and our common sense.

Indeed, the Reagan years were a reclamation of traditional principles. And all Americans owe Ronald Reagan a great debt, one that the simple renaming of an airport doesn't begin to repay. But this does not lessen the importance that the name of Ronald Reagan be enshrined in national institutions.

In the same farewell address to which I referred a moment ago, President Reagan issued a warning for those who would forget history. "If we forget what we did," he said, "we won't know who we are." He spoke of an "eradication * * * of the American memory that could result, ultimately, in an erosion of the American spirit."

This Friday, Ronald Reagan will be 87 years old. All of us are saddened by his illness, but we are inspired by the gracious manner in which he and his family have faced it. And while he is still with us, we should heed his admonishment to remember the values he stood for, the President he was, and the man that he is.

Today, our classrooms and our universities are a battlefield of revisionist history and sometimes venomous ideology. But long after today's petty scholastic disputes lie forgotten in the pages of some academic journal, the Washington Monument, and the Jefferson and Lincoln Memorials, and other national shrines will continue to stand in tribute to achievements of great Americans.

Ronald Reagan richly deserves to be remembered for his achievements just as earlier great American patriots are remembered. I am proud to support the Ronald Reagan Washington National Airport, and I hope that Americans will accept this gesture of deep and genuine appreciation.

Mr. KENNEDY. Mr. President, I support this legislation. I disagreed with President Reagan on many issues, but I believe this proposal is an appropriate honor for a distinguished former President. I also support it because of the many personal kindnesses that President Reagan and his family have shown to the Kennedy family over the years.

In particular, I remember two extraordinary occasions. On a wonderful morning in the Rose Garden in June of 1981, President Reagan presented a Gold Medal authorized by Congress and honoring Robert Kennedy to our family, and he spoke about my brother. Four years later, on a magnificant evening in June of 1985, President came to my home in McLean, Virginia and spoke about President Kennedy. These are two of the finest tributes that anyone has ever given to my brothers. I believe our colleagues will find these tributes of interest, and I ask unanimous consent that they be printed in the RECORD.

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

REMARKS OF PRESIDENT RONALD REAGAN ON PRESENTING THE ROBERT F. KENNEDY MEDAL TO MRS. ETHEL KENNEDY, JUNE 5, 1981

The *President*. Mrs. Kennedy, the Congress has authorized the presentation of a medal for you in recognition of the distinguished and dedicated service which your husband, Robert Kennedy, gave to the government and to the people of the United States.

Robert Kennedy's service to his country, his commitment to his great ideals, and his devotion to those less fortunate than himself are matters now for history and need little explanation from me. The facts of Robert Kennedy's public career stand alone. He roused the comfortable. He exposed the corrupt, remembered the forgotten, inspired his countrymen, and renewed and enriched the American conscience.

Those of us who had our philosophical disagreements with him always appreciated his wit and his personal grace. And may I say I remember very vividly those last days of the California primary and the closeness that had developed in our views about the growing size and unresponsiveness of government and our political institutions. Among the last words he spoke to this Nation that night in Los Angeles were, "What I think is quite clear is that we can work together in the last analysis, and that is what has been going on within the United States—the division, the violence, the disenchantment with our society; the divisions, whether it's between blacks and whites, between poor and more affluent, or between age groups or on the war in Vietnam—is that we can start to work together. We are a great country, an unselfish country, and compassionate country."

Obviously, many of you here knew him better than most. You knew him as husband, as brother, as father, and uncle. He wrote to his son, Joseph, on the day of President Kennedy's death, "Remember all the things that Jack started. Be kind to others that are less fortunate than we and love our country." And it is in the final triumph of Robert Kennedy that he used his personal gifts to bring this message of hope and love to the country, to millions of Americans who supported and believed in him. "Come my friends," he liked to quote the Tennyson lines, "it's not too late to seek a newer world." And this is how we should remember him, beyond the distinguished public service or our own sadness that he is gone.

His friend, composer John Stuart, said about him what he said about the first fallen Kennedy and about us: that when a chill wind takes the sky, we should remember the years he gave us hope, for they can never die.

REMARKS OF PRESIDENT RONALD REAGAN AT A FUNDRAISING RECEPTION FOR THE JOHN F. KENNEDY LIBRARY FOUNDATION JUNE 24, 1985

I was very pleased a few months ago when Caroline and John came to see me and to ask for our support in helping the library. I thought afterwards what fine young people they are and what a fine testament they are to their mother and father.

It was obvious to me that they care deeply about their father and his memory. But I was also struck by how much they care about history. They felt strongly that all of us must take care to preserve it, protect it, and hand it

They're right, of course. History has its claims, and there's nothing so invigorating as the truth. In this case, a good deal of truth resides in a strikingly sculpted library that contains the accumulated documents, recollections, diaries, and oral histories of the New Frontier. But I must confess that ever since Caroline and John came by, I've found myself thinking not so much about the John F. Kennedy Library as about the man himself and what his life meant to our country and our times, particularly to the history of this century.

It always seemed to me that he was a man of the most interesting contradictions, very American contradictions. We know from his many friends and colleagues, we know in part from the testimony available at the library, that he was self-deprecating yet proud, ironic yet easily moved, highly literary yet utterly at home with the common speech of the ordinary man. He was a writer who could expound with ease on the moral forces that shaped John Calhoun's political philosophy. On the other hand, he possessed a most delicate and refined appreciation for Boston's political wards and the characters who inhabited it. He could cuss a blue streak—but then, he'd been a sailor.

He loved history and approached it as both romantic and realist. He could quote Stephen Vincent Benét on General Lee's army: "The aide de camp knew certain lines of Greek and other such unnecessary things that are good for peace, but are not deemed so serviceable for war.* * *"

And he could sum up a current statesman with an earthy epithet that would leave his audience weak with laughter. One sensed that he loved mankind as it was, in spite of itself, and that he had little patience with those who could perfect what was not really meant to be perfect.

As a leader, as a President, he seemed to have a good, hard, unillusioned understanding of man and his political choices. He had written a book as a very young man about why the world slept as Hitler marched on. And he understood the tension between good and evil in the history of man; understood, indeed, that much of the history of man can be seen in the constant working out of that tension. He knew that the United States had adversaries, real adversaries, and they weren't about to be put off by soft reason and good intentions. He tried always to be strong with them and shrewd. He wanted our defense system to be unsurpassed. He cared that his country could be safe.

He was a patriot who summoned patriotism from the heart of a sated country. It is a matter of pride to me that so many men and women who were inspired by his bracing vision and moved by his call to "ask not," serve now in the White House doing the business of government. Which is not to say I supported John Kennedy when he ran for President; I didn't. I was for the other fellow. But you know, it's true, when the battle's over and the ground is cooled, well, it's then that you see the opposing general's valor.

He would have understood. He was fiercely, happily partisan. And his political fights were tough—no quarter asked, none given. But he gave as good as he got. And you could see that he loved the battle.

Everything we saw him do seemed to betray a huge enjoyment of life. He seemed to grasp from the beginning that life is one fast-moving train, and you have to jump aboard and hold on to your hat and relish the sweep of the wind as it rushes by. You have to enjoy the journey; it's unthankful not to.

I think that's how his country remembers him, in his joy—and it was a joy he knew how to communicate. He knew that life is rich with possibilities, and he believed in opportunity, growth and action.

And when he died, when the comet disappeared over the continent, a whole nation grieved and would not forget. A tailor in New York put up a sign on the door: "Closed because of a death in the family." The sadness was not confined to us. "They cried the rain down that night," said a journalist in Europe. They put his picture up in huts in Brazil and tents in the Congo, in offices in Dublin and Warsaw. That was some of what he did for his country, for when they honored him they were honoring someone essentially, quintessentially, completely American. When they honored John Kennedy, they honored the Nation whose virtues, genius, and contradictions he so fully reflected.

Many men are great, but few capture the imagination and the spirit of the times. The ones who do are unforgettable. Four administrations have passed since John Kennedy's death; five Presidents have occupied the Oval Office, and I feel sure that each of them thought of John Kennedy now and then and his thousand days in the White House.

And sometimes I want to say to those who are still in school and who sometimes think the history is a dry thing that lives in a book: Nothing is ever lost in that great house; some music plays on.

I've even been told that late at night when the clouds are still and the Moon is high, you can just about hear the sound of certain memories brushing by. You can almost hear, if you listen close, the whir of a wheelchair rolling by and the sound of a voice calling out, "And another thing, Eleanor!" Turn down a hall and you hear the brisk strut of a fellow saying, "Bully! Absolutely ripping!" Walk softly, now, and you're drawn to the soft notes of a piano and a brilliant gathering in the East Room when a crowd surrounds a bright young President who is full of hope and laughter.

I don't know if this is true, but it's a story I've been told. And it's not a bad one because it reminds us that history is a living thing that never dies. A life given in service to one's country is a living thing that never dies—a life given in service, yes.

History is not only made by people; it is people. And so, history is, as young John Kennedy demonstrated, as heroic as you want it to be, as heroic as you are.

And that's where I'll end my remarks on this lovely evening, except to add that I know the John F. Kennedy Library is the only Presidential library without a full endowment. Nancy and I salute you, Caroline and John, in your efforts to permanently endow the library. You have our support and admiration for what you're doing.

Thank you, and God bless you all.

Mr. MURKOWSKI. Mr. President, I rise in strong support of this bill to rename the Washington National Airport "Ronald Reagan National Airport."

I am disappointed in the partisanship and delay tactics involved in stalling this legislation. Personally, I can think of no more fitting tribute to our 40th President then renaming the main airport facility for visitors to our nation's capital.

During his eight years in as President, Ronald Reagan stood as a President of principle, integrity and optimism. He took America at a time of great disillusionment—gasoline shortages, hyper-Inflation and American diplomats held hostage abroad—and transformed our spirit through vision and leadership

President Reagan showed America that leadership is not making promises, it's keeping promises.

Ronald Reagan promised us a better future and he delivered. His message was simple: America can be better. His charm, wit and eloquence combined to communicate exactly the message that Americans needed to hear. And the nation reacted:

Interest rates, inflation and unemployment fell faster under President Reagan than they did immediately before or after his Presidency;

The nation experienced a 31% increase in real, inflation-adjusted gross national product;

Exports increased 92.6% and manufacturing increased by 48%;

Median family income grew every year during his Presidency for an increase of nearly $4000, after years of zero-growth in pre-Reagan years;

In short, during the Reagan era, economic growth was stronger, job creation was faster, incomes were higher and productivity was healthier.

President Reagan's accomplishments were achieved because he believed that a healthy economy should create opportunities and reward responsibility and work. In his first inaugural address he told us:

> It is not my intention to do away with government. It is rather to make it work work with us, not over us; stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.

Some people believe that President Reagan's greatest legacy was the restoration of pride and optimism in America. He made us believe in ourselves and told us: "There are no such things as limits to growth, because there are no limits on the human capacity for intelligence, imagination and wonder."

Americans reawakened to themselves as a great people with a great future. A notable Democrat, our former colleague, Majority Leader George Mitchell said, "Like President Roosevelt, President Reagan possesses a legendary ability to inspire in Americans pride in their nation and faith in its future."

And, perhaps, our colleague Senator TED KENNEDY said it best in a quote from the Boston Globe in 1989: "He (Reagan) has restored the public's confidence in the presidency. For that alone, he deserves our appreciation."

Not only did President Reagan restore our sense of purpose and meaning as a great country, but it was because of his vision and commitment to freedom and democracy that today there is no longer a Union of Soviet Socialist Republics. There is today, no longer a Berlin Wall.

These two seminal events of the 20th century are a direct result of the policies of President Reagan. Our children and grandchildren will know a level of security and peace well into the next century because President Reagan understood that peace can only be achieved and maintained when we provide the full measure of resources to our men and women in the military who stand guard to protect liberty 24 hours a day, seven days a week, 365 days a year.

Mr. President, I ask my fellow colleagues to help demonstrate to President Reagan that appreciation. I ask my colleagues to help me in passing S. 1575.

Mr. LAUTENBERG. Mr. President, I would like to voice my opposition to this bill.

Mr. President, I certainly have respect for our former President, Ronald Reagan. I served in the Senate during his two terms as President and we worked together on many pieces of legislation. One of my proudest achievements was the passage of the national minimum drinking age bill that established a national drinking age of 21.

That law, which President Reagan proudly signed, is credited with saving nearly 1,000 young lives each year. I am thankful to President Reagan for being a part of that fight. While I did not agree with him on a number of other issues, I do respect him and believe his legacy is a powerful one.

However, Mr. President, Washington National Airport in Alexandria, is already named after a great American—George Washington, our first president. George Washington's role in our nation's history and in this area's history is rich and well documented.

George Washington, the father of our country, the man who led our troops against the powerful British army, the man who chaired the Constitutional Convention, the man who lived a short 15 miles away at Mount Vernon in Virginia, certainly does not deserve to have his name stripped from the airport, and replaced by another, which this bill would effectively do. If this legislation passes, most people will refer to it as Ronald Reagan airport, and President Washington's name will rarely be associated with this facility again.

Mr. President, a short time ago, Congress named the second largest federal office building in the nation—second to the Pentagon—after Ronald Reagan.

Naming the Federal Triangle Project in downtown Washington the Ronald Reagan Building and International Trade Center is a fitting tribute to President Reagan, who signed the authorization for that project into law, and who believed strongly in free trade. In the wake of honoring President Reagan with that naming, this bill is not necessary.

Mr. President, I have other concerns with this legislation, and I believe that those issues would also concern President Reagan.

There is a serious question as to whether it is appropriate for Congress to change the name of Washington National Airport. The bill would impose Congress's will upon the local authorities by forcing them to change the airport's name. This would be done with no input from the local communities. No hearings. No votes. No discussion. No opportunity for public comment. Simply put, the airport authority must adopt the name as determined by Congress, the federal government. This clear mandate from the federal government, imposed on the local communities, is precisely what President Reagan would object to.

His legacy is clear on this matter. We should not offend that legacy in an attempt to honor the man himself.

I am not ruling out any legislation with respect to this issue, but the underlying bill will have to be improved before I will vote for it.

Mr. BROWNBACK. Mr. President, I rise today in strong support of this bill designating Washington National airport as the "Ronald Reagan National Airport." Mr. President, I am honored to participate in renaming this airport after such a distinguished American.

Ronald Reagan presided over an era of tumultuous change and great challenge. His policies helped reverse stagflation and high interest rates, and unleashed the longest economic recovery in recent history.

His courage extended freedom around the world. Ronald Reagan knew that weakness is provocative. He not only restored America's military strength, but challenged the tyrants who would shed American blood and deny freedom to others. He confronted terrorists boldly and decisively—with or without the assistance of other nations. He defied conventional wisdom to challenge Mr. Gorbachev to "tear down [this] wall." And the wall fell. He demonstrated that America would stand strong—even when she stood alone.

But perhaps most importantly, Ronald Reagan helped restore faith in the American dream. When Reagan took office, America, is was said, was suffering from "malaise." Reagan reaffirmed the vision of a "shining city on a hill." He spoke to the hopes and dreams of ordinary citizens for opportunity, achievement, and growth. He helped dispel the public cynicism that had darkened politics for years, and celebrating the dawning of "morning in America."

President, Franklin Delano Roosevelt once said that "the presidency is pre-eminently a place of moral leadership." It was in this area that Reagan's leadership was the most significant. Reagan was always more simple than subtle. The American people knew where he stood, and what he stood for. In times of economic or international crisis, Americans knew that Reagan's word was true, and that his resolve would not waver.

It is for these reasons that I offer my support for S. 1575, to honor a man who honored America.

Mr. ALLARD. Mr. President, I rise today to add my vocal support to S.

1575, the bill to rename Washington National Airport the "Ronald Reagan Washington National Airport."

Last year, I was the first co-sponsor of this measure. At the time, I thought I had just beat the rush, and that I would be merely the first of a long list of co-sponsors. I though that surely, if every Member of this chamber was aware of the debt they and their country owe to Ronald Reagan, this bill would have 99 co-sponsors.

Instead, I was surprised that only 35 others have co-sponsored Senator COVERDELL'S bill. I was surprised when I learned that this bill is encountering serious opposition. And I will be more than surprised if this bill does not pass. I will be shocked and I will be saddened. It is not often we are able to consider a bill so simple and so right as this one.

Ronald Reagan can truthfully be called one of the greatest living Americans. President Reagan's most important contribution to his country was the leadership he provided during the West's long struggle with totalitarian communism. When he called the Soviet Union an 'evil empire' media pundits scorned him. Today, we all know that he was right. But President Reagan provided far more than rhetoric in the struggle against communism. In 1980, America was dangerously weak and demoralized. President Reagan understood this and he directed the strengthening of all aspects of our military, coordinating our efforts with other members of the Western alliance.

From the point when Ronald Reagan entered the White House, no additional territory fell to the Communists. From that point forward the tide began to turn. On all fronts, the Reagan administration backed the forces of freedom. Reagan supported Solidarity in Poland, he backed the freedom fighters in Afghanistan, Grenada was liberated, and he helped democratic struggles throughout Latin America. The Soviet Union was everywhere confronted by a Western alliance that had finally awakened to the dangers of appeasement. The alliance was greatly strengthened by the friendship and support of President Reagan's close friend and ally, British Prime Minister Margaret Thatcher. Together they thwarted Communism and made the Kremlin and its puppet states aware that the free world intended to remain free. The West won the cold war, and Ronald Reagan deserves much of the credit.

President Reagan's second great triumph was his economic plan. He was the first modern President to directly challenge the notion that more government was good. In his view, Government does not solve problems, it subsidizes them. While this view is widely held today, it was ridiculed throughout the 1960's and 1970's. During those years, Reagan was nearly alone in his struggle against the endless growth of government. But he never altered his message. Unlike other politicians, he stood firm, and gradually the country moved his way. He stopped the slow socialist slide of our Nation, and instead implemented policies that provided the catalyst for the unparalleled financial and economic security and freedom we now enjoy.

The Reagan program of lower taxes and less regulation was a tremendous success. In the early Reagan years all income taxes were cut across-the-board by 25 percent. The decade to follow witnessed the longest peacetime economic expansion in the history of our Nation. All income groups experienced significant income gains from 1980 to 1989. Twenty million new jobs were created, and the vast majority were high-paying professional, production, and technical jobs.

In the late 1970's inflation was as high as 18 percent, and interest rates rose to 21 percent. The Reagan economic program brought both of these down dramatically. The 1970's malaise brought on by high inflation, skyrocketing interest rates, high unemployment, and high taxes was replaced by an economy that fostered opportunity, growth, and optimism.

President Reagan rallied our Nation. He reminded each of us of our proud history and heritage. He was never afraid to proclaim his love for America. Most important, he stood up for what he believed. He knew the importance of strength and resolve. The result was the most successful Presidency in decades. As Reagan himself reminded us:

> History comes and goes, but principles endure and inspire future generations to defend liberty, not as a gift from government, but as a blessing from our creator.

I know that the Federal Triangle building will be opening soon. I know that it is named after Reagan. But Ronald Reagan was a man of the people, not of bureaucrats. When he was called "The Great Communicator" it was not because of his skill with memos or inter-office correspondence. It was because of his ability to speak with, and for, the average American. Some good can come of the irony in naming the second largest and by far the most expensive federal building in America after Ronald Reagan. We can let the name of the Ronald Reagan building stand as a direct counter to the waste and excess involved in its building. It will also be a constant reminder to the civil service workers inside of President Reagan's belief in a small, responsible and effective government.

But again, Reagan was not a man who loved big government. He should not be memorialized solely by a big government building. The Ronald Reagan Washington National Airport—an airport that is used by our government, but more importantly, by our people, and by the free people of the world—should stand as the monument to the Great American President.

President Reagan's 87 Birthday is Friday. We need to approve this bill, and present him with a small but well deserved gift from the country he so ably served.

Mr. LEVIN. Mr. President, I will not support the legislation to rename the Washington National Airport. This is not legislation to name an unnamed airport or a new airport. Washington National Airport already has an appropriate name and has had that name since it opened in 1941.

We should have a normal and systematic process for the naming of buildings, bridges, monuments, airports and other public facilities. The names of these landmarks should not bounce around from name to name in response to current events. Such decisions should be made in a non-political and careful manner weighing the many factors which come into play, including the concerns of local governments and authorities.

There are many past Presidents, admired by millions of Americans, and others around the world, including Harry S Truman who have no monument in Washington, D.C.

We have already, quite appropriately, recognized the accomplishments of President Ronald Reagan in several appropriate ways, including the new federal Ronald Reagan Building and International Trade Center at Federal Triangle (which is the largest building in D.C.) and the Navy's newest *Nimitz*-class aircraft carrier.

The Washington Post, in an editorial this past Saturday titled "Don't Rename Washington National" stated, "It is a bad proposal on many counts, all of them going well beyond any public wishes to honor the former president."

Mr. President, I ask unanimous consent that the Washington Post editorial be printed in its entirety immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. LEVIN. Mr. President, for all these reasons and others, I cannot support this legislation to precipitously strip Washington National Airport of the name it has borne for more than half a century.

EXHIBIT 1

[From the Washington Post, Feb. 1, 1998]

DON'T RENAME WASHINGTON NATIONAL

With alarming speed and little serious thought, members of the House and Senate are pushing a bill to strip Washington National Airport of its time-honored name and call it instead Ronald Reagan National Airport. It is a bad proposal on many counts, all of them going well beyond any public wishes to honor the former president. As it happens, this capital city already has honored Mr. Reagan in a most impressive way, naming a major new, heart-of-downtown federal office building after him. As it also happens, the

name Washington National honors this country's first president, who lived just down the road a bit from the airport site. In addition, the name Washington National clearly identifies the airport's location and market—an important aid to travelers and shippers all over the world.

There is yet another solid reason to drop the proposal. Former Virginia governor Linwood Holton, the first Republican to hold statewide office in the Old Dominion since Reconstruction and former head of the Washington Airports Authority, cites the history, intent and spirit of congressional legislation signed in 1986 by President Reagan. That act transferred Washington National and Dulles International to the regional authority, granting it control and oversight of the two airports. Gov. Holton notes that the purpose of the transfer, "as recited in the lease itself, was to achieve 'local control, management, operation and development' of the airports. I am very concerned that after ten years of this lease arrangement, the Congress now proposes to take unilateral action to change the name."

Mr. Holton notes that in the past, any changes in the lease at the request of Congress were done with agreement to secure the consent of the regional authority. And in this instance, the local governments involved oppose the change—not for any partisan or political reasons but because of the name recognition that Washington National Airport conveys in the travel and commercial industries, as well as the costs that would have to be borne by businesses in and around the airport (changing signs, business forms and promotional materials, for example).

Yet the renaming proposal is being rushed along without proper hearings in an attempt to make it law in time for Mr. Reagan's birthday next week. Thoughtful members of Congress should consider the negative effects of this measure. There are many ways to salute Ronald Reagan—as has been done here already—but stripping Washington National of its name and history is not an appropriate way. There is no insult attached to voting no; on the contrary, this is the respectful and proper way to redirect and continue any movement to honor President Reagan here or elsewhere in the country.

Mr. BAUCUS. Mr. President, earlier today this body passed legislation to rename Washington National Airport to the Ronald Reagan National Airport. I rise today to express my opposition to that legislation. My opposition is in no way meant to dishonor President Reagan. Recently, we have named the nation's second largest federal building after President Reagan and have named a *Nimitz*-class aircraft carrier after him as well. Clearly, Ronald Reagan accomplished a great deal during his Presidency, and he deserves to be recognized for that contribution to our country.

However, I do not believe that we should seek to honor President Reagan by diminishing the honor that we have bestowed upon President George Washington when we named the Washington National Airport—truly one of our nation's greatest founding fathers. Mr. President, I recently finished reading a biography of George Washington. I recommend everyone in this body do so also. It is important to remember and recognize the many contributions that he made to this country. For it is largely through his efforts that the United States is a world leader in every sense of the word.

Because of his leadership, the thirteen individual colonies united to become the United States—a sovereign, independent nation.

After the Revolutionary War, George Washington took a lead role in crafting our constitution and in the campaign for its ratification. The success of Washington's campaign was assured by 1797, at the end of his second presidential term, and his legacy continues to be the basis of law today.

President Washington acted with Congress to establish the first great executive departments and to lay the foundations of the modern federal judiciary. He directed the creation of a diplomatic service. Three presidential and five congressional elections carried the new government, under the Constitution, through its initial trials.

His policies procured adequate revenue for the national government and supplied the country with a sound currency, a well-supported public credit, and an efficient network of national banks.

Above all, he conferred on the presidency a prestige so great that political leaders afterward esteemed it the highest distinction to occupy the chair he had honored. His work and leadership as President is a benchmark by which we should measure all those who serve in that high office.

Most of the work that engaged Washington had to be achieved through people. President Washington found that success depended on their cooperation and that they would do best if they had faith in causes and leaders. To gain and hold their approval were among his foremost objectives. He thought of people, in the main, as right-minded and dependable, and he believed that a leader should make the best of their good qualities.

As a national leader he upheld the right of everyone to freedom of worship and equality before the law, condemning all forms of bigotry, intolerance, discrimination, and persecution.

Throughout his public life, Washington contended with obstacles and difficulties. His courage and resolution steadied him in danger, just as defeat steeled his will. His devotion to his country and his faith in its cause sustained him. Averse to harsh measures, he was generous in victory. "His integrity," wrote Thomas Jefferson, "was the most pure, his justice the most inflexible I have ever known. He was, indeed, in every sense of the word, a wise, a good, and a great man."

Therefore, Mr. President, despite the respect and admiration I have for President Reagan, I cannot in good conscience support a bill which will diminish the great contributions President George Washington has made to our nation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, needless to say, I think we are all grateful to be at this moment.

I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, S. 1575, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—76

Abraham	Feinstein	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Graham	Mikulski
Biden	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reid
Brownback	Hagel	Roberts
Bryan	Hatch	Rockefeller
Burns	Helms	Roth
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sessions
Chafee	Inhofe	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Durbin	Leahy	Warner
Enzi	Lieberman	Wyden
Faircloth	Lott	
Feingold	Lugar	

NAYS—22

Akaka	Ford	Moseley-Braun
Baucus	Glenn	Reed
Bingaman	Harkin	Robb
Bumpers	Hollings	Sarbanes
Cleland	Inouye	Torricelli
Conrad	Johnson	Wellstone
Daschle	Lautenberg	
Dorgan	Levin	

NOT VOTING—2

Coats	Moynihan

The bill (S. 1575) was passed, as follows:

S. 1575

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

SECTION 1. REDESIGNATION.

The airport described in the Act entitled "An Act to provide for the administration of the Washington National Airport, and for other purposes", approved June 29, 1940 (54 Stat. 686), and known as the Washington National Airport, shall be known and designated as the "Ronald Reagan Washington National Airport".

SEC. 2. REFERENCES.

(a) IN GENERAL.—

(1) The following provisions of law are amended by striking "Washington National Airport" each place it appears and inserting "Ronald Reagan Washington National Airport":

(A) Subsection (b) of the first section of the Act of June 29, 1940 (54 Stat. 686, chapter 444).

(B) Sections 106 and 107 of the Act of October 31, 1945 (59 Stat. 553, chapter 443).

(C) Section 41714 of title 49, United States Code.

(D) Chapter 491 of title 49, United States Code.

(2) Section 41714(d) of title 49, United States Code, is amended in the subsection heading by striking "WASHINGTON NATIONAL AIRPORT" and inserting "RONALD REAGAN WASHINGTON NATIONAL AIRPORT".

(b) OTHER REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Washington National Airport shall be deemed to be a reference to the "Ronald Reagan Washington National Airport".

Mr. COVERDELL. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senate and our cosponsors. I want to reiterate my gladness that this has been a spontaneous effort on the part of the U.S. Senate to respond to a great American President.

Throughout the debate it was questioned from time to time, what was the position of the Reagan family? There was not a position. This is a gesture from a people and grateful Nation and a grateful Senate. And I thank my colleagues, those who disagree, for the collegiality in which this matter was resolved.

I yield the floor.

Mr. LOTT. Mr. President, I want to congratulate and express my appreciation to the Senator from Georgia for the leadership he has exhibited here. He kept calm and he got the job done. I think it was the right thing to do, and I am very proud that the Senate, in a very broad, bipartisan vote, voted to name this airport after former President Reagan. I had the opportunity to talk to a couple of colleagues here in the well as we were voting—Democrats who came up and remembered acts of kindness they had experienced from former President Reagan, and they voted for the legislation.

I know some had reservations or misgivings, but I think it was the right thing to do and it was the right time to do it. I thank the Senator for his efforts; he did an excellent job. I thank one and all for their cooperation.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE HIGHWAY BILL

Mr. BYRD. Mr. President, the Intermodal Surface Transportation Efficiency Act reauthorization, ISTEA—in other words, the highway bill—sets the authorization levels for the current fiscal year and the next 5 years for our Federal highway construction, bridge, highway safety, and transit programs. When the Senate found itself unable to complete action on S. 1173 at the end of the last session, it was necessary to pass a short-term extension bill to tide these programs over from October of last year until May 1, 1998. I supported that short-term extension measure, but I did so with the understanding from the distinguished Senate majority leader, and others in the leadership, that "immediately following the President's State of the Union Address," the Senate would return to the highway reauthorization bill.

It now appears that things have changed and that the distinguished majority leader is being urged by a handful of Senators to delay action on it and not bring up ISTEA until after Congress completes action on the fiscal year 1999 budget resolution. Mr. President, as one who has been majority leader, I can understand the pressures that are upon our own distinguished majority leader at this time with reference to the highway bill. I have had discussions with the able majority leader, and prior to the reconvening of the Senate, I had the pleasure of talking with the majority leader in my office. He showed me the courtesy of coming to my office, and we sat for 30 minutes and discussed this measure and other matters. I can understand the pressures that are on him from other Senators in this body. Having been majority leader, I know that one cannot please all Senators on his own side, much less Senators on the other side of the aisle. I am fully aware of that. And what I say with respect to the bill certainly is not in denigration of our majority leader. I have an excellent relationship with him, as I do with my own leader on this side of the aisle, and I would not want to do anything to impair that relationship.

But, Mr. President, having said that, this would be a very shortsighted approach to handling one of the most important matters to come before this Congress—the highway bill. I understand that the very able chairman of the Budget Committee, Mr. DOMENICI, has expressed his hope and intention to proceed quickly with his hearings and the markup of the budget resolution. As Senators are aware, Section 300 of the Congressional Budget Act sets a date of April 1 as the deadline for the Senate Budget Committee to report the budget resolution each year. The Congressional Budget Act requires Congress to complete action on budget resolutions every year by April 15.

I was here, Mr. President, when we enacted the Congressional Budget Act of 1974, and I spoke for it, supported it, and had a considerable bit to do with the formulation of it. But in all of the years since the Congressional Budget Act of 1974, Congress has met the deadline for completing action on budget resolutions only 3 times. Those 3 years were fiscal years 1976, 1977, and 1994.

I say to all Senators, but particularly to the leadership, that this is not a very good record upon which to base our hopes for early completion of the fiscal year 1999 budget resolution. Yet, that's what the plan appears to be, as it relates to the highway bill. As I say, I implored, I importuned, I beseeched, I pleaded with the distinguished majority leader before this session was convened and urged that we be allowed to bring up the highway bill. That was the commitment that was made. It was made to the Senate, it was made to the American people. As I say, I know the majority leader has a lot of pressures on him, and I can understand those, having been majority leader. So I am not going to be one to criticize the majority leader in this respect. Heavy and uneasy is the head that wears the crown.

We are being told we should just be patient and our State highways and transit authorities should not worry. We'll get around to enacting the ISTEA bill after the budget resolution is finished. Mr. President, that places our State highway departments in an extremely precarious and uncertain position as they struggle to continue, without interruption, the Nation's critically important highway construction, bridge construction and repair, highway safety and transit programs.

Now, every highway department is being put into that position. How can we be sure that the budget resolution will be completed at all, much less by the April 15 statutory deadline? Eventually, it will be completed, but how can we be sure that it will be finished in time to meet that deadline? In the past 25 years, Congress has only met that deadline three times, as I have already indicated. On all other occasions, the deadline was missed, sometimes by months, as it was in fiscal year 1985 when the budget resolution was not completed until October 1, 1984; and for fiscal year 1991, when the budget resolution was not completed until October 9, 1990.

But even if it is passed, how can we afford to wait until that deadline? How

can we afford to wait until April? How can we afford to wait until April 15 to bring up the highway bill? Construction seasons are upon us. Construction seasons in the northern States, in particular, are going to be constricted.

If the leadership continues to hold up the ISTEA bill, I am concerned that Congress will not be able to act on a new highway bill prior to the statutory deadline now in existence for the obligation of highway and transit funds. How many more days do we have, Mr. President until May 1? May 1 is the drop-dead date with respect to highway obligations—new obligations by the highway departments throughout this country. May 1. How many more days remain? We don't count Saturdays and Sundays, naturally. But only 41 session days remain. Only 41 session days when the Senate will be in session. The States will hit the spending walls for highway transfer funding on May 1. I assure all Senators that we will hear from the American people if we continue to ignore the basic transportation needs of this Nation in such a cavalier fashion. The disruption of these transportation projects will be massive, massive in the Northeast, in the Northwest, in the Southwest, and in the Southeast—all over this country. The disruption of these projects will be massive across the Nation as States will be required to stop obligating funds on May 1 for the highway and transit programs. Congress needs to get its act together!

This is an irresponsible and unnecessary course that threatens the very lives of people as well as the economic well-being of the people throughout the country. Does it take a crisis, Mr. President, to force us to act here in Congress? Do we have to have a bridge collapse and possibly have people killed before we wake up? I have not forgotten the collapse of the Silver Bridge at Point Pleasant, WV, in 1967. It killed 46 people.

Let us look out of the windows and observe the rains that are pounding our area. Listen to the radio, or watch the television set—I don't do much of that; but I do watch the weather—and watch what they are saying about the weather all over this country, about the storm, about what is happening in States back to the west and to the north. The snow, the ice, the ravages of winter will further pock-mark and erode our highways and bridges. We can't afford delays in stepping up to our responsibilities for public safety very much longer.

Mr. President, I have asked the journal clerk how much time the Senate wasted yesterday in quorum calls and in recesses. On yesterday—one day alone—we spent 59 minutes, almost an hour, in quorum calls, and 2 hours and 18 minutes in recesses. That is 3 hours 17 minutes—with a quick calculation—3 hours 17 minutes spent in quorum calls and recesses here in the Senate yesterday. We could have been working on the highway bill.

Strategy games in Washington may be fine for those who do not depend on safe, modern highways to protect their livelihoods and their lives. But, handsitting will not serve us well when the public realizes what is going on.

I implore the leadership to move this bill as soon as possible. The clock is ticking, Mr. President, and time is running out.

I thank the Chair. I thank all Senators. I yield the floor.

MEASURE PLACED ON CALENDAR—S. 1601

Mr. LOTT. I understand the cloning bill is at the desk awaiting second reading by the clerk.

The PRESIDING OFFICER. The majority leader is correct. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1601) to amend Title 18 United States Code to prohibit the use of somatic cell nuclear transfer technology for the purposes of human cloning.

Mr. LOTT. Mr. President, I object to further consideration of this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

EXECUTIVE SESSION

NOMINATION OF DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, MEDICAL DIRECTOR OF THE PUBLIC HEALTH SERVICE, AND SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the nomination of David Satcher, and that it be in order to consider both the position of Surgeon General and the Assistant Secretary of HHS en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Mr. President, reserving the right to object, and I do not intend to object, I am troubled by moving to this measure because I have sought information from this administration, from the Centers for Disease Control, and that information has not been forthcoming.

I thank the majority leader for his willingness to assist me in this respect. He has been very gracious and helpful to me in seeking to get the information that I have requested. I will continue to propound that request, and I have agreed that it would be appropriate to proceed with the measure at this time.

I want to thank the majority leader. While I do not intend to object, I do want to say that I think it would be inappropriate to conclude the debate on this matter in any respect, by a vote or otherwise, absent the kind of cooperation that I think the Senate deserves, when the President has brought a nominee to the Senate and individual Members of the Senate have asked for information.

With that in mind, I thank you for this opportunity to express myself on this. I do not object.

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

Mr. LOTT. Mr. President, let me note that I appreciate the cooperation of the Senator from Missouri, and I certainly agree with him. When a U.S. Senator requests information from an agency or a department like the Centers for Disease Control about a nominee—I have looked over the list. This is certainly not an unreasonable request. It is one that should be able to be complied with very easily. That request has to be honored. I do have a call into the Secretary of Health and Human Services, Secretary Shalala, and will urge her to act expeditiously this afternoon to get that information to Senator ASHCROFT. If that information is not forthcoming, then I certainly understand that there would be no way that this debate could be brought to a conclusion or a vote until all information that is requested by any Senator would be made available to this body.

I thank Senator ASHCROFT for not objecting at this time so we can proceed with the debate and make sure that all relevant information is available to the Senate.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of nomination of Dr. David Satcher to serve our nation as Surgeon General and as Assistant Secretary for Health. Dr. Satcher is a well-respected physician and medical researcher who has devoted his career to serving the Nation's public health.

I want to note at the outset that it is relatively unusual for one person to be nominated to fill two such significant positions at the same time. When I reviewed the history of these positions, however, I learned that there is a historical precedent. From 1977 to 1981, Dr. Julius B. Richmond served ably in both positions. I believe that by combining these responsibilities we will better serve the needs of the nation.

Dr. Satcher has demonstrated the kind of commitment to serving our Nation's public health that will be required to faithfully fulfill these responsibilities. At a time when many physicians and policy makers failed to appreciate urban health care needs, he began his career serving low-income

and other disadvantaged patients in neighborhood health centers and urban hospitals. In 1982 he became President of Meharry Medical College in Nashville, Tennessee. Meharry Medical College has trained more African American physicians than any other medical school in the country.

In 1993, Dr. Satcher became the Director of the Centers for Disease Control and Prevention where he has served with distinction the past four years. Under his leadership, CDC has placed greater emphasis upon the prevention of disease. He has worked to increase childhood immunization rates from 55% to 78%.

As a result, the incidence of vaccine-preventable childhood diseases has been reduced to its lowest level ever and three vaccine preventable diseases have been entirely eliminated.

In addition, participation in CDC's comprehensive breast and cervical cancer screening program has expanded from 18 to 50 states. As a result of this initiative, more than 1.2 million women have received screening, over 2900 women with breast cancer have been identified and referred for treatment and over 21,000 women with an early treatable stage of cervical cancer have been identified and referred for treatment.

Dr. Satcher also used his leadership to dramatically upgrade CDC's ability to detect and respond to new infectious diseases and foodborne illnesses. As a result, CDC played a lead role in responding to the outbreak of salmonella in Oregon that was caused by contaminated food, and was responsible for the efforts to contain the multi-state outbreak of cyclospora resulting from consumption of contaminated raspberries that threatened the health of thousands of children. Dr. Satcher's efforts lay the groundwork for the development of a new early warning system for infectious disease and foodborne illness that promises to save thousands of American lives each year.

Dr. Satcher will need to draw heavily upon all of this commitment and experience to master the challenging duties for which he has been nominated. The Surgeon General occupies the "bully pulpit" of public health and is charged with the responsibility to protect the health of the Nation through public education.

The Surgeon General must advocate for effective disease prevention and health promotion programs and must serve as a powerful symbol of our national commitment to protecting and improving the Nation's health. Dr. Satcher's legacy at CDC demonstrates his fitness to fulfill these responsibilities.

The position of Assistant Secretary for Health is a position of equal importance. The Assistant Secretary serves as the Secretary's senior advisor for public health and science. In this capacity, Dr. Satcher will be required to provide Department-wide leadership in the application of sound medical and scientific principles to public health. In addition the Assistant Secretary for Health has direct responsibility for several key public health initiatives.

These include: Disease Prevention and Health Promotion, Emergency Preparedness, HIV/AIDS Policy, International & Refugee Health, Minority Health, Research Integrity, Women's Health, Population Affairs, and Physical Fitness & Health.

Dr. Satcher's particular challenge will be to preserve the independence of the Surgeon General while fulfilling the Assistant Secretary's responsibilities to the Secretary of Health and Human Services.

Dr. Satcher has revealed a profound understanding of the importance of these two positions and pledged to me that he will rely upon science and common sense rather than politics to guide his decision making.

Dr. Satcher enjoys unprecedented and overwhelming support from within the medical and public health community. I believe that Dr. Satcher is eager to continue his efforts on behalf of the nation's public health and that he will fulfill his responsibilities faithfully. I urge my colleagues to support this nomination.

Mr. President, we did a thorough examination of the history and of the work of Dr. Satcher, and we too looked into some areas that may be of controversy. But, in conclusion, after that thorough investigation, I have absolutely no reason not to stand before you and do all I can to make sure that his nomination is approved.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

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

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent of the Senate that several members of my staff be given floor privileges during the pendency of this debate: Don Trigg, Annie Billings, David Ayres, Lori Sharpe, and Sarah McElroy.

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

Mr. ASHCROFT. Thank you very much.

Mr. President, as I explained earlier when the unanimous consent was sought by the leader to bring this matter to the floor of the Senate, there is an absence of some materials that are important and pertinent to an evaluation of this nominee as a result of the failure or lack of cooperation of this administration to provide to Senators information upon our request. So I indicate at this moment that there will be things that are reserved for debate at a later time when we have that material available to us.

I am pleased to go forward now and take this opportunity to outline some of my reasons for opposing the nomination of Dr. David Satcher for U.S. Surgeon General and Assistant Secretary for Health.

While a case against Dr. Satcher is a compelling one, I must confess from the outset to being a grudging participant in these struggles over political nominees. It is really not one of the more pleasant tasks in the Senate. It gives me no satisfaction to deny anyone an opportunity to serve his or her country. Nomination fights can be difficult, they can be abrasive, they can be partisan, and sometimes they work neither to educate nor to unify the Senate. Yet, after three years in Washington, I believe that America deserves better, America deserves higher quality, and America deserves higher standards of ethics than the standard that has been sent to this Senate by the administration for confirmation.

A nation, like a person, rarely loses its integrity, or its capacity, or its ethics all at once. Instead, our values tend to be lost little by little. And I think we have seen that in this administration.

I can remember a Surgeon General of this administration who wanted to legalize drugs. We have seen Cabinet Secretaries come forward to admit their infidelity. Then one day the Vice President goes out and endorses and embraces Hollywood and all of the values that Hollywood would propound to undermine the ethics and character of America. The next day the President vetoes a partial-birth abortion bill and basically defends what PATRICK MOYNIHAN, the Senator from New York, has labeled as "infanticide." And so it goes.

Finally, we wake up to find our President accused of a kind of conduct in the White House with employees that I wouldn't even want to try to describe here on the Senate floor. Frankly, I don't know what is more tragic: That the Office of the President has been so thoroughly debased in the debate and comments and accusations in the society, or that our values have been so demeaned, that it appears much of the public doesn't believe that we can expect any better.

Frankly, if my time in government has taught me any one thing it is that we teach when we govern. We are assigning values to things when we govern. When we approve of something we say to the culture "This is good," and when we disapprove of something we say "This is bad." In assigning values in a culture, the values of which have been under serious attack, asking questions is an important one of our responsibilities.

Government and its officials teach, and what we are teaching these days is

wrong. Although Dr. Satcher is a person of incredibly strong medical credentials in terms of his expertise and his capacity, his effort has been devoted in an area and in a number of ways which call into serious question the values that we would be teaching and the kind of ethical standards we would be saying are OK, if we were to confirm him.

While our Nation is challenged by the crisis of drugs, the tragedy of illegitimacy, and the breakdown of the family, our public officials have been too busy accommodating America in these things, rather than calling America to her highest and best. Piece by piece, our Nation's integrity has been sacrificed, and too often the Senate of the United States has participated in confirming nominations or ratifying proposals without looking carefully at the ethics involved or the values that are being challenged when a nomination is being confirmed.

Dr. Satcher's elevation to the post of Surgeon General of the United States, Dr. Satcher's confirmation, would reject America at her highest and best and would simply say that we are willing to accept a series of values which are far beneath what the American people endorse. Dr. Satcher, for example, has embraced partial-birth abortion. He tolerates abortions for minor children without parents' consent. He supports free needle programs, so that drug addicts would be aided and assisted in the administration of their drugs by a Government program that provides free needles.

I think this accommodates people where they are, at a low level, instead of challenging people to where we need to be, at a high level. I think America deserves that kind of challenge for quality and integrity and ethics. I question the value of a Government program and its ethics when it provides needles to drug addicts so they can administer drugs in a way which is more healthy—if you could say that. Why should the United States of America participate in that?

Consider the following information. Dr. Satcher has promoted research on African women who were HIV positive. That research denied them known, lifesaving drugs and therapy. Our Nation's top medical journal is the New England Journal of Medicine. Virtually everything that you ever hear, in terms of something new, something at the cutting edge of improving medicine, is written of and announced in and discussed on the pages of the New England Journal of Medicine. The New England Journal of Medicine chastised Dr. Satcher, literally branding his research in these African HIV trials—in which some African women bearing children were given sugar pills or placebos—as being unethical.

I think America deserves better. America deserves a Surgeon General who repairs to the highest standard of ethics. America deserves better than a Surgeon General who would experiment on the most vulnerable members of the world's population.

Dr. Satcher has championed blind tests that sent thousands of HIV positive infants home without parental notification. That happened in this country, not in Africa. Infants were tested for HIV. The tests were maintained as blind so that no parent would know if the child that was tested, their baby, was testing positive for HIV. This practice intentionally left moms and dads without an awareness or understanding of whether their child was infected with the HIV virus.

It might be argued, "Well, the moms and dads might be able to find this out because they realized they were living in risky lifestyles or were at high risk for HIV infection themselves." That might be true. It might not be true. But what happens if that mom or that family decides to give the child up for adoption? If there had been a test of the child's blood which indicated whether or not it was HIV positive, the adoptive parent might not be privy to that information, especially if the information isn't even available to the natural birth parent. I think America deserves better. I think this country deserves better than a Surgeon General who would have those kinds of tests conducted and not provide that kind of vital, potentially lifesaving information.

I understand that people might want this kind of information for statistical purposes, so we could develop an awareness of the statistics about AIDS and which communities have the highest levels of AIDS. But I think Government too often views people as statistics. I think we need a Government that views people as human beings and understands the importance of individuals and parents and children. Ignoring the potential for an early diagnosis on the HIV virus is, I think, something that would raise serious questions. I would not want to be a parent who was not told if my child had HIV, in spite of the fact that the Government had conducted a test which would reveal it.

Certainly, if I weren't the natural parent and I were in the shoes of someone adopting a child, I think I would want to know, not so that I might not adopt the child, but so that I might take whatever measures would be necessary. One might begin to take the steps which could curtail the incidence of the kinds of diseases that can attend and participate in the eventual collapse of an individual who is HIV positive. There is progress being made in the area of AIDS research. But it seems to me if you have some life extending knowledge, you would want to make that available because you might extend a life to the time when a cure would become available.

America deserves better than a Surgeon General who is more concerned about the secrecy of experiments than he is about the lives of the specific patients involved. There are scientists and medical doctors who are more concerned about statistics. It may well be that they should be commended for their interest in statistics. But I think America's family doctor, the Surgeon General of the United States of America, should be one who reflects a concern about individual lives and about individual health conditions. He should call America to her highest and best as it relates to health and should never, never settle for America at her lowest and least.

Maybe this is what America has come to expect from Washington. It may be what we expect, but it is less than we deserve. It is time for us to stand up and defend values—values like honesty, integrity and decency—and it's time for us to demand a Surgeon General who will appeal to the better angels of our nature, who will attend the health of the Nation, not one who would participate in the "clean needles" approach to the drug problem.

These are issues that I intend to elevate in the Senate's consideration of this nomination: The African HIV studies overseen by Dr. Satcher during his supervision of the Centers for Disease Control and the ethical debate that swirls around these studies, including the indictment by the New England Journal of Medicine that these studies were unethical; the domestic AIDS detection programs that refused to identify the blood samples with the children so that the parents would never be told as a result of that test whether their children had AIDS, sending parents home with AIDS-infected children without giving them the benefit of what the studies could have shown; there are the clean needles programs which, frankly, don't appeal to us at our highest and best but accommodate the culture at its lowest and least and put the Government in the drug business.

I think there are real reservations about the kind of signals that sends. What does it teach? What does it teach a young person if a junkie says to him or her, "You ought to try this," and the young person says, "Well, I don't know if I should." Then the junkie says, "Well, look, the Government gives us these clean needles," rips open a pack, and says, "so that you won't have any problem, so this will be a safe procedure for you." I have real reservations about that. I think the people of the United States of America deserve better than that.

I think the United States of America deserves better than a Surgeon General who is willing to endorse the President's position on partial-birth abortion. It is clear to me that the people of this country understand the heinous

terror, the horror, and the tragedy of partial-birth abortion. We do teach by what we endorse, when, by confirming something, we authorize and ratify it. I think we have real problems when we would purport to confirm an individual who is endorsing partial-birth abortion, especially when it is now well understood by medical authorities that it is not even a medically needed or indicated therapy.

All of these things are interesting points. There are other matters which will be the subject of discussion. But America deserves better. We deserve a family doctor who will lead us to our highest and best, rather than accommodate us at our lowest and least. I mentioned in a colloquy, with the leader of this Senate, that we had sought information from the Centers for Disease Control and from the administration about this nominee and we had not been sent that information. Some of the information which we will be using in the debate has come as a result of Freedom of Information Act demands, which information hasn't been forthcoming without those kinds of inquiries. As a result, I think you can expect the debate to be more thorough as the information arrives.

These are the broad outlines. America deserves better. America ought to have a Surgeon General who calls us to our highest and best, not one who accommodates us at our lowest and least. We should not have a Surgeon General who would participate in an assault on the values of America, opposing 80 percent of Americans who believe partial-birth abortion is wrong. We should not have a Surgeon General who believes that it would be OK to have clean needles programs that put the Government in the business of participating in the administration of illegal drugs. We should have real reservations about a Surgeon General whose regard for Third World populations allows him to use your tax dollars to have lower standards in conducting medical research on people overseas than the standards he would use in the United States of America. I think that has implications for who we are as a people and it has implications for the way other nations view us, if we are willing to do things with their population we wouldn't do with our own population. Obviously we would have reservations about the maintenance of a program which tests the blood of young children for HIV but does not provide their parents with the information that would allow them to make good judgments about their health care later on.

With those things in mind, I would just signal that, as the information becomes available, I would expect additional Members of the Senate to come to the floor and participate in this debate. We will have a chance to examine each of those categories in detail with a view toward assessing whether or not this Senate should teach the kinds of things that would be taught to the American public if we were to confirm this nomination.

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

Mr. JEFFORDS. Mr. President, I have listened very carefully to my friend from Missouri. I was disturbed about these matters, as he was, when I initially looked into the background of Dr. Satcher. These were fully investigated. They were answered in detail by the nominee. The record of those requests, involvement in these particular issues—the two most dramatic ones being perhaps the so-called free needles, clean needles, and also the AZT trials—the answers to those interrogatories are a matter of record and available to all Senators. In addition to that, they are on the Internet so the public can freely look into them.

Let me very briefly give you an idea of the nature of the situation. The Senator referred to the New England Journal of Medicine. That would give you considerable credibility. But you should know that two members of the editorial board who were familiar with the AZT trials, which were in Africa, and were familiar with the methodology used resigned from the board as a result of that journal editorial. They understood. And I will go into length later on these trials, but I do not desire to do so now.

Also, the question of needles and drugs is a matter of AIDS as well, AIDS prevention, and therefore when you understand fully the issue you will understand that this is a defensible way to prevent the spread of AIDS.

But with that brief discussion, I will yield to my good friend who has been so very helpful on my committee, the Senator from Tennessee, Mr. FRIST.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Tennessee.

Mr. FRIST. Mr. President, I am delighted to rise because I think we have before us a very important issue and one that we have not dealt very well with, at least since I have been in the Senate. There will be a lot of debate as we just heard on a number of issues and I am happy to debate those issues. I think they are important to the American people. If the allegations that have been sent to me by fax machine, some of which we have heard just expressed in the Chamber, are true, I would agree that America does deserve better. What I hope that I can do is offer a reasoned voice, a voice based on some experience but more importantly one that is close to science, one that has been involved in placebo controlled trials, one who participates in ethical decisionmaking in medicine, in health care, one who knows Dr. Satcher, whom I hope we hear something about. In fact, I will take a few minutes and talk about Dr. Satcher, the man, the man who came before our committee, the man who has contributed so much throughout his life for the betterment of public health, his fellow man and, more importantly, for that next generation.

I do think we need a Surgeon General. I was in Africa last week and asked a lot about these AZT trials, and I hope to have a chance to comment on those a little bit later. About a month ago, there was what we thought was a new disease, what the world thought was a new disease called Rift Valley Fever, which killed about 400 people in Kenya over a period of 3 weeks. It came quickly. It came because of the flooding. There was an awakening of a mosquito larvae that carried a deadly virus which could not be identified. There was mass confusion in the scientific community, really all around the world, about, is this a new virus? It causes a huge hemorrhagic bleeding and terrible death. Is it going to extend beyond the borders of Kenya to Africa and to the United States?

Amidst all that confusion there was not a single voice either in the United States or anywhere in the world to step forward and take that available information to reassure the public, to point out what is known by science.

Luckily, a few weeks later, the virus itself was described, the floods actually got much better and hopefully we have seen the end of that particular virus for hopefully the next decade. It is a virus that does stay around for decades and decades. But it made me think how important it is to have a reasoned, educated, articulate, concise voice—we do not have it—in the United States right now to interpret the innovation and changes in how health care is delivered today to the American people.

Just yesterday on this floor we introduced a bill on cloning. It is a difficult bill, a bill I have had to go back and spend a lot of time on, putting on my hat as a scientist to understand, and it made me think once again, wouldn't it be nice to have somebody whose sole job is to be the Nation's doctor and to help interpret science, help interpret what we know, to talk directly to the American people. I am talking really generically about the Surgeon General now, because many of my colleagues have come forward in the past and said, do we really need a Surgeon General? Wouldn't it be easier to escape all the politics?

Let me say I think much of the discussion we are going to hear about is straight politics, nothing beyond that, and I hope we show over the next few hours and the next few days the lack of substance that has been demonstrated by a number of groups today in terms of getting down to reality, the truth, and that is what I want us to demonstrate in this body not just to each other but the American people. Let's rise above politics.

Now, unfortunately, some people point back to several years ago when the position of Surgeon General appeared to be used for political agendas and social agendas which were outside of the mainstream and America did at that time deserve better. The case I wish to make is that Dr. David Satcher does better. He is the most appropriate person for this position today and will carry it out with the integrity, with the dignity, with the moral values and the forethought, the background and the training that we as Americans expect.

Now, what is this position of the Surgeon General? A lot of people say, "What does he do?" I already told you my impression of what we need in terms of that articulate, concise, straightforward voice that can listen and talk to the American people.

In addition, the Assistant Secretary of Health oversees administration of eight agencies of the Public Health Service, which include the office of Surgeon General. In these dual roles, Dr. Satcher would serve as the public doctor, but in interpretation of what is going on, the direction we should go, looking into the health and the future welfare of our children, but also in advising the Secretary of Health and Human Services. That is a void which we have today. The Secretary of Health and Human Services does not have a person to come in and advise on the sorts of policy that will affect everybody in this Chamber today and their children and that next generation.

I sat through a lot of meetings today with talk about how much money the President can spend, and the President has proposals, the private sector has proposals, how many hundreds of millions of dollars can we spend on television to educate people so that their children won't start smoking or how we can set up a new bureaucracy with new employees out of Washington, DC, or take an old bureaucracy and have them come in and educate our young people today.

I just want to throw up my hands and say, listen, let's go back to those basic principles. You do not have to spend more money. You do not have to set up big bureaucracies. Let's get that one vocal, intelligent, trained, articulate, eloquent spokesman who can speak for mainstream values, and that one position can be the Surgeon General, without spending all this money on this extra bureaucracy that we do not know whether it will work or not.

We know the role of Surgeon General works. On this same issue, in 1964, if you asked the world who is the one voice who has had the most impact today on this issue of smoking and teenagers, it has to go back to the Surgeon General's report of 1964. Yes, way ahead of its time. But who better than to have the Surgeon General? Is it better to have the heads of the tobacco companies or the manufacturers or politicians or somebody who can intelligently go in and digest the available scientific data, who can reach out to the American people and interpret what is right and what is wrong for the public health?

I contend it is the Surgeon General, and if you look back over that longer record, not just the last 6 years but back to 1964 and before, you will see that the Surgeon General's voice has been effective.

Dr. C. Everett Koop in the 1980s, all of us remember, woke America up to an emerging public health threat. Some people wanted to hide in the sand and say it is not a problem; it is not affecting my family, my community. Therefore, let's not make any progress. Dr. C. Everett Koop, as Surgeon General, stepped forward and he said we have an emerging crisis. He said it is HIV positive. It is called AIDS. In candor, in realism, let's help the public.

I needed help as a health professional at the time to help separate out the facts from the fiction, what you read in the press, what you receive over your fax from some special interest group that wants to take a tiny little topic and blow it out of proportion. Who sets that perspective? I would argue that if it is in the field of public health, the Surgeon General sets that perspective for an audience of health practitioners as well as the public.

Although we have not been very effective in looking to this office. Yet there the Surgeon General's reports have been very effective and informative regarding public health. About a year and a half ago, the Surgeon General's office issued a report demonstrating that moderate physical activity can reduce the risk of heart disease and some cancers. These very effective reports produced over time have helped to interpret for the public the direction of living a healthier lifestyle.

Now, if you look back historically at these reports—and I went back and did it because I haven't been around that long, in terms of looking at what has been generated from the office of the Surgeon General—my conclusion is that there has been no political agenda in mind in these reports—I don't want to say without exception because I haven't read every report, but the well being of the Nation, of the public health was at the heart of each of these reports. And I guess as I was in Africa 2 weeks ago as a scientist who looks at new viruses, who looks at the public health challenges, I thought we have public health threats in this country, such as smoking and drug abuse. Just last year we talked in this body about foodborne illnesses, alcoholism, emerging infectious diseases, resistance to antibiotics which we feel so comfortable with. I can tell you the resistance to antibiotics is one of the greatest challenges we have in this Nation but also the world that stands before us. Who is going to help us interpret what that means? Is it going to be a Senator? I don't think so. Is it going to be the Secretary of HHS? I don't think so. Is it going to be the President? No. It is going to be the Surgeon General.

Dr. Koop called this position of Surgeon General a "high calling with an obligation to interpret health and medical facts for the public." A high calling. I will tell you, it is a high calling because you put yourself through the sort of accusations which I will contend and hopefully show that many are false. They are totally untrue. They are accusations, totally unproven, and that is going to be the subject I think of much of our discussion today. I hope the American public keeps faith in this institution and in the sort of debate we will engage in and at every case come back and ask those fundamental questions about integrity, about looking at one's past record as we look to the future.

I haven't said very much yet about Dr. David Satcher. Let me say at the outset that I know Dr. David Satcher. I have known him for a long time. I knew him as a physician, a fellow physician in Nashville, TN. I have known him as an educator, as somebody who has run a medical school. And as we look to the sorts of challenges we have in the future, medical education is one of those challenges—how we maintain the excellent physicians that we have today in a world of managed care, reduced funding by the Federal Government.

Dr. Satcher is an administrator. I guess a lot of the focus is going to be on the large public health agency, the Centers for Disease Control and Prevention (CDC). Over the next several days, I have a feeling what is going to happen is that you have the head of a large organization and you have thousands of programs under that organization, and we are going to have people find in some program down at the community level where there is some tracing through the large organization to the fellow at the top who is held responsible, and he should be responsible for it as long as the American people look at all of the other positive things that he—in this case, Dr. Satcher—has done in leadership of that organization, which is the largest public health organization, not just in the United States but in the world.

So I ask my colleagues to paint the larger perspective as we go through, as these examples of local programs are brought forward that have something that I don't agree with personally. We will come back to that. So I hope we can get above the politics and look at the qualifications of this family physician.

As we move into this next millennium, we need to be thinking about

family practice. He is a family practitioner. He has the endorsement of the society that represents family practitioners. Dr. Satcher has taught family practice and chaired a department of family practice.

Science. Again, I mentioned that yesterday I spent most of the day interpreting what somatic cell nuclear transfer is to my colleagues, to the media, and to the American people and that's good, but I am not sure a United States Senator needs to be spending so much time talking about a specific scientific technique year after year after year. And here we have somebody who is nominated to be the next Surgeon General who has not only a medical degree but a Ph.D., another advanced degree in an advanced science, the science of cytogenetics, somebody who has written research papers, been in the laboratory, applied for grants and received those grants, somebody who understands what a clinical trial is, what peer review is, what a placebo control trial is, somebody who has been in the room as we talk about medical ethics. And medical ethics is tough. You can always find people within the field who disagree.

But I will contend that as we look at these ethical issues, such as the clinical trials in Africa and other parts of the world, we will come to the conclusion that the appropriate ethical process was undertaken under the leadership of Dr. David Satcher.

Another hat. Dr. Satcher has a distinguished record of promoting the public health, improving health based upon science, not one's feelings or one's politics, but on science.

I don't agree with everything that Dr. Satcher says or does, nor do I expect to, but I do want to go back to what he has told me, what he presented to our committee, because it is important for the American people and for my colleagues to fully understand what his vision is, as well as his background, because there is going to be an attempt to insert another agenda on Dr. Satcher which is not his agenda.

I think in the confirmation process, we have to ask a couple of questions.

No. 1, does this man, Dr. David Satcher, have the commitment, the intelligence, the training, the experience, the honesty, and the integrity to be the chief spokesperson for Americans on matters concerning health?

I contend that he does.

And can he articulate those views?

He is a good spokesperson. For my colleagues who have had the opportunity to talk to him, he can articulate his views with dignity and with clarity as an eloquent spokesperson.

He has a demonstrated public service record, which has been reviewed by the chairman in part. He is a good manager. Scientific integrity I have mentioned.

President of Meharry Medical School in Nashville, TN, how important is that? I contend it is important to have had that past experience. If you had to go out and choose a physician to participate in understanding public health, I think that being the head of a medical school is a wonderful credential to bring to the table. He has an understanding of population-based medicine, a broad understanding of the health care delivery system and—I can tell you and I am sure over the course of the day, a number of people will put in letters of endorsement by the medical societies and by his peers—he is a widely respected physician by the medical community.

He is a scientist, I mentioned. I should also mention, because we are going to be talking about ethics so much, that he is a wonderful family man with a wonderful wife, wonderful children, teaches Sunday school, understands medical ethics. From everything that I know about Dr. Satcher, he is a reasoned, scientific voice, and he will represent us well as the next Surgeon General.

Let me look a little bit more at his experience. I mentioned he received his medical degree and his Ph.D. The Ph.D. was in cytogenetics. It was at Case Western Reserve.

I think it important to have both, that understanding of individual patients—and he has practiced medicine—as well as an understanding of the science and having that advanced degree, a Ph.D. in cytogenetics.

His experience is broad. We know about the Centers for Disease Control and Prevention. We know about Meharry Medical College. What you may not know, is that for 3 years, he was professor and chairman of the Department of Community Medicine and Family Practice—that was back in 1979 to 1982—thus, demonstrating his concern for his local communities.

In a theme which he gave again and again, both in our committee and with me directly, was his commitment to allowing decisions to be made by local communities instead of decisions dictated by the federal government out of Washington, DC. I think that is important, because as we look at a number of these programs and information we are reaching out for, I hope my colleagues will ask the question, did Dr. Satcher, through the CDC, make the decision on that program or did he allow a local community to make a decision using the resources that are available?

I think his commitment, which has been made very clear to me, to have both resources and decisions about public health made by local communities comes from his experience having been a chairman of the Department of Community Medicine and Family Practice at the School of Medicine in Morehouse College down in Atlanta.

Before that time, Dr. Satcher was a dean, an interim dean, at the Charles R. Drew Postgraduate Medical School. He was also a professor and chairman of the Department of Family Medicine at the Charles R. Drew Postgraduate Medical School in Los Angeles. And, he was medical director of the Second Baptist Free Clinic.

His professional experience is interesting, because we talk about populations, and I don't want to get too far into the science, but I think it is important that whoever is the Surgeon General does understand what happens with large populations. The Surgeon General becomes the Nation's doctor. And just like when I, as a physician before coming to this body, would see a patient who came in the door, it was my job to interpret, to educate, to listen to and to diagnose. The Nation's doctor does the same for over 250 million people. Therefore, it is important he understands populations and disease in populations.

It is interesting that Dr. Satcher also was an assistant professor of epidemiology, and that is the statistical study of population-based diseases. Once again, a wonderful credential for the position of Surgeon General. That was at the School of Public Health at the UCLA School of Medicine in Los Angeles.

Does he understand medical problems? Yes.

Remember his many published articles—I don't need to go through the articles, but let me relate to you that he has written extensively about hypertension, high blood pressure. Cardiovascular disease is the No. 1 killer in the United States of America today. In the early 1970s, he was director of the hypertension outreach program. He has done research. He understands the importance of preventive as well as therapeutic medicine.

Board certification. His qualifications: 1994, fellow, American College of Preventive Medicine. Yes, this man understands what we need to do now to prevent, not just treat, the problems that we inevitably will face and probably will face with increasing frequency in the future.

In 1980, fellowship, American Academy of Family Physicians. I have already mentioned their broad support for their medical colleague in this position.

1976, board certification, American Board of Family Practice.

Active in communities. I mentioned that he spent a large period of his life in Nashville, TN, which is my home. These are the sort of things we don't look at a lot here because we get lost in rhetoric. I think a lot is how involved one is as a role model in their own communities. Dr. David Satcher was involved in his own community. I mentioned he taught Sunday school. He is active with the United Way and has been on the board of United Way in middle Tennessee. He was chair of the Minority Health Professions Foundation. He was a board member of the

Boy Scouts of America for 10 years. Board member, Easter Seals Society. This man understands his commitment to large populations. He understands public health. What is wonderful to me is it starts with him as a role model, as a father, as an active participant in his own community.

We are going to come back to a lot of the issues, issues which mostly arose after the committee hearing on Dr. Satcher's nomination. At the hearing, Dr. Satcher had the opportunity to articulate his vision of what this Office of Surgeon General is. And, therefore, I would like to refer back just very briefly to what he has said, to use it as the foundation upon which the discussions about looking to the future will rest.

This is from the testimony before the Labor Committee. He basically said:

As Assistant Secretary for Health and the Surgeon General, I would take the best science in the world and place it firmly within the grasp of all Americans. I would not just speak to Americans but would also listen to them, really listen to them. I would want to hear about their expectations and their experiences, their questions and their concerns and engage them in an ongoing conversation about physical activity, about good nutrition.

We haven't heard much about that thus far in this body, about Dr. Satcher's agenda.

I hope we talk about Dr. Satcher's plans for good nutrition.

For responsible behavior and passports to good health and long life.

He says:

As Surgeon General, I would strive to provide our citizens with cutting-edge technology in plain old-fashioned straight talk. Whether we are talking about smoking or poor diets, I want to send the message of good health to the American people.

He continued:

My goals as Assistant Secretary for Health and Surgeon General are to be an effective advisor to the Secretary by providing sound medical public health and scientific advice as appropriate. I want to bring more attention, awareness and clarity to the opportunities for disease prevention and health promotion that are available to individuals, families and communities in this country. I want to help make the health of children and youth a greater priority for the Nation and serve as a positive and inspirational role model to them.

That is his vision.

One last quotation from that testimony, again more to get it in the RECORD and have my colleagues understand where Dr. Satcher wants to go. He said in closing:

I will challenge the American people to be the best they can be and to respect the roles of parent, families and communities. I will try to bring people together. That is who I am.

Let's keep that in mind, that fundamental kernel in mind as we go through and listen to the various arguments made why he should not be Surgeon General.

As a way of introduction, because that is what we are doing in terms of setting the parameters, instead of going into each of the issues that have been mentioned earlier, let me cite several of the allegations and start that debate as we go back and forth.

As I have said, a number of allegations have come forward, and I am sorely disappointed in the substance behind those allegations as they come across the fax machine and are presented to me by well-meaning constituents who came forward and said, "What is it? Did Dr. Satcher really do that?" I hope to point out over the next day or so that, no, he did not, and that our responsibility is to come to the truth behind Dr. Satcher.

Position No. 1 is partial-birth abortions and the proposed ban, and this is one I dealt with very early on, because I feel strongly that this body has a responsibility as trustees to the American people to ban this procedure which offends the sensibilities of everyone.

The issue of partial-birth abortion also deeply troubles Dr. Satcher, and I hope that everybody who is concerned about this issue has sat down and talked with him and listened to his statements.

In a letter dated October 28 to me, Dr. Satcher wrote the following:

Let me state unequivocally that I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda—

Let me read that one more time—

I share no one's political agenda, and I want to use the power of these positions to focus on issues that unite Americans, not divide them. If confirmed by the Senate, I will strongly promote a message of abstinence and responsibility to our youth, which I believe can help to reduce the number of abortions in our country.

In the written responses to the Labor Committee—also it is important to refer at least to that in passing; we will probably come back to it—Dr. Satcher says he supports in concept the ban of this partial birth abortion procedure, and then explains what his position is. But I think what is important, if you look over his past, his 25 years as a professional, abortion has not been on his agenda in terms of promoting the public health, and as you look forward, based on the statements he has made to us directly to the committee and in our own conversations, abortion is not going to be on his agenda.

I think the people who feel so strongly about the litmus test on the statement by Dr. Satcher that he thinks those sorts of decisions should be made locally—if the litmus test is so strong, I can understand my colleagues voting against Dr. Satcher. But I hope they look more broadly since it is not going to be on his agenda for the future and has not been over the last 25 years.

Number 2. Dr. Satcher's position regarding AZT, which is a drug that is used successfully, if it is given in a certain high-tech way, to prevent the transmission of the HIV virus from a mother to a child. We are going to come back to this a lot. It is a good issue. It is a good issue because there has been years of extensive debate on this very issue by the countries that are involved, by the United States, by scientists, by theologians, by trained ethicists. We can relive those debates, if you would like.

But let me try to boil it down to several issues. I was in Africa last week, in countries including Kenya. The per capita spending on health care for an individual in Kenya is about $5 annually.

Should we take a therapy, ethically, that in this country we know works—the cost down there, if we adopted it, is about $1,000. This therapy works in the United States. But in truth, from a practical standpoint, logistically, because it is intravenous therapy, it requires a series of doses with followup that extends over a long period of time. Practically, economically, logistically, that therapy has zero chance—and nobody says otherwise—to become the standard therapy in a country like Kenya today, zero chance.

Is it ethical, I ask, for us in the United States to take that arm, that therapy to Kenya and experiment there when there is absolutely no chance that that therapy can ever be used to benefit that population? The answer is, no. By international standards, the answer is, no.

That is the standard basically. If you are going to be using clinical trials which are dealing with people directly, the therapy has to be in some shape or form potentially beneficial to that population. And $5 per person is what is spent on health care totally—child care, prenatal care, treatment in the hospitals, clinics, medicines. And to thrust a therapy which cost $1,000 into a health care system that cannot support it is, to my mind, unethical. That is No. 1.

No. 2, placebo control trials. What does that mean? It means basically that someone comes in, you are looking to see whether an intervention works or not, the HIV virus is transmitted from mother to daughter. What can you do to intervene to stop transmission of that virus that is practicable, that is reasonable, that has some chance of being applied there broadly?

Well, the question is, can you take that very complicated, Western-style, intravenous $1,000 AZT therapy, which is the standard in America now, can you in some way modify that so there is some chance that a shorter course, hopefully given orally, or maybe a shorter course with one intravenous dose, but a shorter, less expensive course, works? Because if it works, you can go out and prevent the transmission of HIV to the millions of babies who are born to mothers who are HIV positive.

How do you know if it works or not? You have to compare it to something. From an ethical standpoint, nobody has been in any one of these AZT trials under discussion that informed consent has not been obtained. So when you go out and say this is like Tuskegee—we can go into that—it is nothing like it. And I look forward to that, coming to the floor in relation to that, because I received these faxes comparing it to a terrible, terrible experiment in this country. It is not like that. We will come back to that. But every person had informed consent in these trials. That is very important because that is one of the national, international norms.

AZT. Does it work or not? What do you compare it to? Well, the standard today in clinical trials all over the world is that you have a control population and a population that you intervene with. How else are you going to know what the difference is, whether this AZT therapy works?

Yes, this was a placebo controlled trial. It is the standard of therapy today. People do not get treatment right now for the transmission of HIV. When I was down there as a physician asking, "What do you do?"—one out of four people in this community are HIV positive—"What do you do?" they laughed. "We can't do anything. Why don't you help us devise a protocol?" That is what happened.

These countries came to the United States of America, through the World Health Organization, and said, "We have to design an intervention that will work, that is practical, that is consistent with it being applied in these countries." And the response, going through the appropriate ethical channels, were these trials that we are talking about.

Why placebo control? Why can't we use placebo controls, since we had this control population, in the United States? Well, we do not know today whether AZT, this drug, interacts in some way with a background of malaria. And you have to have a placebo control trial because the population there is not the population in the United States of America or in France or in England or wherever these past trials have been conducted. The only way you can get the answer is through carefully designed placebo control prospective trials to be able to answer that question—does AZT work or not?

The third issue that has come forward is this needle exchange program. And I think we will get back to that. Let me just make the following statement because it boils it down to everything.

Dr. Satcher has never advocated taxpayer-funded needle exchange programs for drug abusers. Dr. Satcher has recommended to Congress that we allow scientific studies to answer the key questions involved with this particular issue. Dr. Satcher believes strongly that we should never do anything to advocate the use of illegal drugs. The intravenous use of illegal drugs is wrong. He has said that. He opposes the use of any illegal drugs.

Secretary Shalala, in a February 1997, report to Congress, concluded the following in regard to this needle exchange program, because it can be pulled out and draw up these images in people's minds of needles going into the arms of drug addicts, especially free needles. We have to step back and look at what the scientific studies show.

In the letter that she sent to Congress, the following conclusions could be made. Needle exchange programs—and I quote—"can be an effective component of a comprehensive strategy to prevent HIV and other bloodborne infectious diseases in communities that choose to include them." That is what the science said. We can argue that and we can talk about the social policy. That is what the science says today. But most importantly, the department itself has not yet concluded that the conditions set forth by Congress on Federal funding of needle exchange programs have yet been met. We in Congress have crafted a protection to disallow federal funding of needle exchange programs unless the science shows that such programs will not only reduce HIV infection, but also not increase drug use.

Fourth, is Dr. Satcher's position on the survey of childbearing women, the blinded surveys. We have heard already this morning, and we will continue to hear, that opponents of Dr. Satcher have erroneously claimed—and I use the word "erroneously;" and I underline it—that the infants known to be HIV positive were sent home without parental notification after being tested specifically for HIV. And this is simply untrue. It is not true.

Again, it takes some understanding of how science today, and the medical community and the public health, obtains baseline data from a population so you will know where you are starting, whether or not interventions work or not, how much of a public health issue it should be.

In this particular case, samples were gathered from left over blood specimens that were taken for standard tests. The rest of the blood is discarded and put over in a cabinet, typically thrown away.

Under this study, all personal identifying information is taken off. But that blood has some useful purpose from an epidemiologic standpoint, from a public health standpoint because we can see what the baseline of something like HIV positivity actually is. The information that was gathered from these surveys of this discarded blood is not labeled, is not attached to an individual—Why not? For reasons of privacy, something that we all respect. We do not want people taking blood from us, having our name attached to it, testing it, and then releasing it to the world. However, those same women were counseled about the benefits of being tested and offered an HIV test that would allow them to know their and their baby's HIV status. The allegation is that this was a secret test. Yet, women were offered and encouraged to be tested and to be aware of their HIV status.

This blind survey was critical. We can look how far we have come and the progress that has been made, in terms of treating HIV infection, with our public health officials, because it was the only totally unbiased way to provide a valid estimate of the number of women infected with HIV as well as their demographic distributions.

Thank goodness we have access to such information. But again, this whole accusation that infants known to be HIV positive were sent home without telling their parents they were being diagnosed with HIV is simply untrue. This survey yielded population-based numbers of the incidence of HIV, not linked to individuals unless they gave their informed consent.

Well, as you can tell, I feel strongly about this position of Surgeon General. I will bring my remarks to a close for this time around. I feel strongly that we need a Surgeon General who can articulate the needs, the challenges of public health, which are inevitably there. We need a Surgeon General who can advise the administration because the administration is making decisions every day that affect the public health whether it be in the area of disease or prevention or managed care, organization and delivery of our health care system.

Second, I feel very strongly that Dr. David Satcher is the man for this position. He is a scientist. He is a family man. He is committed to local decisionmaking. He is an educator. He is a spokesperson. He is an eloquent spokesperson. But most importantly, he is committed to his fellow man, to improving the public health.

I look forward to the debate. I hope our colleagues do participate in the debate. And I think that at the end of the day, hopefully, we will get to the truth and the kernels of truth that lie behind all the accusations and ultimately confirm Dr. David Satcher.

Mr. JEFFORDS. Mr. President, I thank the Senator from Tennessee for a well-documented, very thorough and careful examination of the nominee.

I now yield 20 minutes to the Senator from Massachusetts, my esteemed ranking member.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator. Are we under a time agreement?

The PRESIDING OFFICER. There is no control of time.

Mr. KENNEDY. Thank you.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that two fellows in my office, Caroline Lewis and Diane Robertson, be granted floor privileges for the consideration of the Satcher nomination.

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

Mr. KENNEDY. Mr. President, I want to join in commending my friend and colleague, the Senator from Tennessee, Senator FRIST, for an excellent presentation. During the consideration of the nominee, he was careful with his questions, probing with his questions, and obviously prepared prior to the time of the nominee's presentation and during the course of the hearings.

I think today we see the result of some very hard and disciplined and informed judgment based upon his evaluation of this extraordinary nominee for the position of Surgeon General and the Assistant Secretary. I listened with great interest to his very detailed description of the great opportunities for this Nation when we gain the service of Dr. Satcher in that position as Surgeon General and Assistant Secretary for Health.

I heard with great interest, again, his response to a number of the allegations, quite frankly, misrepresentations that have been made about Dr. Satcher's record. I must say that I find myself in agreement with his understanding of Dr. Satcher's position, and as to his representation to the committee during the course of the nominee's presentation, and in response to various questions.

I also want to commend the chairman of our committee, Senator JEFFORDS, for the work that he has done in both scheduling Dr. Satcher for the hearings, for the way that the hearings were conducted, the balance and the fairness which is so much a part of everything that he is associated with, and for his compelling statement as well.

I am very hopeful that the Senate will have the opportunity to vote on this truly outstanding nominee in the not too distant future. This position has been vacant for a very considerable period of time. We have an outstanding recommendation by the President, a truly outstanding nominee, an outstanding candidate, an outstanding individual on the issues of public health. The position of Surgeon General needs to be addressed if we are going to be responsive to the concerns of our families in this country. We have had, quite frankly, enough delay on this outstanding nominee. It is time to act.

Mr. President, I commend the leadership for bringing to the floor the nomination of David Satcher to be Surgeon General and Assistant Secretary for Health. Dr. Satcher is extremely well qualified for this position. In fact, his life story is a tribute to the strength and vitality of the American dream. Dr. Satcher was raised on a farm in rural Alabama. He was one of 10 children. His mother was a homemaker and his father was a foundry worker. Neither of his parents finished elementary school, and between them, they never earned more than $10,000 a year.

The defining moment of Dr. Satcher's extraordinary life may well have occurred when he was a toddler. It was then, at the age of two, that he survived a near fatal attack with whooping cough. Although whooping cough had been a leading cause of death among young children in the United States, it would become much rarer by the time he was born. But the vaccine was not available to Dr. Satcher's family. They were poor African Americans living in the rural South. They had limited access to medical care, and none of the white doctors who practiced in the area would treat black patients. Fortunately, Dr. Satcher's father was able to talk a black physician in the area into making a house call and, against all odds, Dr. Satcher survived this dire illness. Largely as a result of this experience, he decided he wanted to become a doctor. He stated that he wanted to "make the greatest difference for the people who I thought have the greatest need."

Mr. President, he repeated that during the course of these hearings. Anyone who was in that room at that time and had an opportunity to listen to Dr. Satcher make that statement and make that commitment would not be on the floor of the Senate now urging rejection of this nominee. His commitment was to make "the greatest difference for the people who I thought had the greatest need." That was a statement made with extraordinary humility. By someone else, it might have a different ring. But when you were there listening to Dr. Satcher make that statement, you could not help but know that he has been committed to that cause over the course of his extraordinary life, and it has been an extraordinary life.

Dr. Satcher's parents wanted their children to get the best education they could as black children attending segregated schools in rural Alabama. Dr. Satcher was valedictorian of his high school class. He was one of only three students, out of a class of seventy, who went on to college.

He attended Morehouse College in Atlanta, which awarded him a full scholarship. He graduated magna cum laude and was elected Phi Beta Kappa.

I have heard comments on the floor that "the United States is entitled to the best." Three out of seventy graduated from his high school and he goes on to college with a scholarship and graduates magna cum laude. We have the best, Mr. President. We have the best in this nominee.

He went on to medical school at Case Western Reserve University, a first-rate, tough medical school. I have had the opportunity to visit that excellent school, and it is one of our best, and it's tough academically, it's vigorous. He was one of only two African American students. He became the first black student to receive a Ph.D. degree and M.D. degree simultaneously.

He was also elected to Alpha Omega Alpha Honor Society. After finishing his residency at the University of Rochester, Dr. Satcher went to Los Angeles to join the hypertension clinic at the Martin Luther King, Jr. General Hospital in Watts. I have had the chance to go to that hospital, and it is right on the firing line, in terms of trying to meet human need. He went on to direct research on Sickle Cell Anemia at the King-Drew Sickle Cell Center there, and he founded and chaired the King-Drew Department of Family Medicine. He opened a free clinic in Watts, in the basement of a Baptist church that he had joined, and he served as its medical director until 1979.

Mr. President, just keep following along this extraordinary life of commitment to others, and of excellence, in terms of the practice of compassion and reaching out to those who are the hardest pressed.

From 1974 to 1979, he taught epidemiology at UCLA, one of the top medical schools. Dr. Satcher then returned to Morehouse College to chair the Department of Community Medicine and Family Practice. In 1982, he became president of Meharry Medical College in Nashville and served in that capacity for 10 years, where he is credited for helping to deal effectively with the college's financial problems.

Whether you are talking about going out into the most difficult areas and opening a free clinic in the bottom of a church and trying to help and assist people, whether you are talking about being in the classrooms at UCLA as an instructor to the brightest minds in our country, whether you are talking about being a college president, he has done it all. He has done it all, Mr. President. But his heart is out there with the underserved people. You can't look at his record, and you can't read about it and listen to him and not understand it.

Since 1992, Dr. Satcher has ably led the Centers for Disease Control and Prevention in Atlanta, the agency responsible for protecting the Nation's health and preventing disease, injury and premature death. In this capacity he has played a leading role in safeguarding and improving the health of all Americans.

In 1992, under Dr. Satcher's leadership, CDC developed and implemented a very successful childhood immunization initiative. Before the initiative,

only a little more than half of the Nation's children—55 percent—were immunized. Today, the figure is 78 percent, and vaccine-preventable childhood diseases are now at a record low.

Dr. Satcher would be the first to say: I don't deserve all the credit for this. He would say: I don't even deserve a great deal of the credit, or even a little of the credit.

But he would tell you that he was out there fighting every step of the way with those who do deserve the credit. He was there, and he deserves great credit for this because he made it a priority. It was in terms of not only the availability and accessibility of vaccines, but it was working to try and overcome the kinds of resistance that exists in so many communities locally across this country that he was able to devise strategies to work this through. I find that in my own State of Massachusetts, in a number of different communities, there is a great hesitancy or resistance to move ahead with immunizations for children, for many different reasons—those individuals that have difficulty with the English language and those that have cultural kinds of problems in moving forward, in terms of vigorous vaccination regimes, the repetitiveness in making sure children are going to keep up to speed in terms of the number of times that we have to go back and get these vaccinations. There is a lot of complexity in terms of making sure that children are going to receive those vaccines. But we have gone from 55 percent to 78 percent on his watch. He deserves credit.

Dr. Satcher has also led CDC efforts to deal more effectively with the infectious diseases and foodborne illnesses. Our Nation relies on CDC to provide the rapid response needed to combat outbreaks of disease and protect public safety. Under Dr. Satcher, CDC is implementing a strategy against new and re-emerging infectious diseases, like TB, with better surveillance and detection. Many of us thought we had moved past TB, the time of tuberculosis. Yet, we find pockets of it that still exist in many different communities in this country. It is associated so much with the problems of poor housing, poor sanitary conditions, and generally the problems associated with poverty. We have it in many of our communities. We still have it and we can't forget it, and we should not forget it. We need a doctor that understands the response to recent food poisoning incidents. He has been a leader in developing a new early warning system to deal with such illnesses. He has earned many distinguished tributes during his extraordinary career. In 1996, he received the prestigious Nathan B. Davis Award from the American Medical Association for outstanding service in advancing the public health.

In 1986, he was elected to the Institute of Medicine of the National Academy of Sciences in recognition of his outstanding leadership.

Dr. Satcher is a respected family doctor. Ask those families out there in the Watts area. Ask the families down in the southern parts of our country in rural communities. I think for any of us that took the time to sit through those hearings and listen to him can understand that he has—I suppose the best description is the "bedside manner." There are other words that are more eloquent to describe it. But he has it, and anybody that has ever met him and known him, or talked to him, or, I am sure, have been treated by him would understand and respect him. He is a respected scholar that has been elevated to the most prestigious positions in our country, voted on by those of his peers who understand his scholarship, and he is a respected public leader recognized for his service in public health.

His career has emphasized work in patient care, health policy development and planning, education, research, health professions education, and family medicine. His range of skills and experience, and strong commitment to improving public health make him well qualified to be the country's principal official on health care and health policy issues—America's doctor. America is a healthier nation today, and it is healthier in large part because of Dr. Satcher's leadership. He is an excellent choice to be Surgeon General and Assistant Secretary for Health. The Nation faces significant public health challenges.

We need a Surgeon General who can speak with candor, and advise the nation on smoking, AIDS, teenage pregnancy, the link between diet and disease, and other major health concerns. In the 1940s, Surgeon General Thomas Parran used blunt talk to warn the public about venereal disease. In 1964, Surgeon General Luther Terry first alerted the public to the dangers of smoking and the link between smoking and lung cancer. Surgeon General C. Everett Koop used his position to raise awareness about AIDS and other major health issues. People listen when the Surgeon General speaks. Dr. Satcher is well-qualified to follow in this distinguished tradition.

Dr. Satcher's nomination has broad bipartisan support. He's been endorsed by a large number of health groups, including the American Medical Association, the American Nurses Association, and a wide range of academic health centers and public health organizations. I look forward to working closely with him in the future, and I urge the Senate to give him the overwhelming vote of support he deserves.

Mr. President, I have about 10 or 15 more minutes. But I see my friend and colleague from Maryland. I would like to be able to conclude my remarks after the Senator from Maryland.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I would be glad to yield.

Mr. HATCH. I was supposed to be here at 2 to give a short speech and introduce a bill. Would it be all right with the distinguished Senator from Maryland if I do that? I have to chair the Judiciary Committee.

Ms. MIKULSKI. I can enter my statement into the RECORD. I am not debating the merits, if my colleague will yield—but just to affirm the competency.

Mr. KENNEDY. I would rather hear from the Senator. If I can't, and if what I have outlined is not satisfactory, I would rather let the Senator speak, and I will take my chances. Could we have the Senator speak for 10 minutes?

Ms. MIKULSKI. I will speak for less than 5 minutes.

Mr. HATCH. If I could go immediately following the Senator from Maryland.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we recognize the Senator from Maryland for whatever time she expects, and following that the Senator from Utah, and then if I could ask that I be recognized.

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

Ms. MIKULSKI. Mr. President, I thank my colleagues for this arrangement.

Mr. President, It is a great honor for me to support the nomination of Dr. Satcher.

I enthusiastically support his nomination to be Surgeon General and Assistant Secretary of Health.

This position, which serves as the nation's spokesperson on public health issues, has been vacant far too long. When I decide whether to support a nominee, I look at the nominee's competence and personal and professional integrity. Dr. Satcher is highly competent. Dr. Satcher has the greatest personal and professional integrity of any nominee who has come before our Committee in recent years. Dr. Satcher has a truly remarkable story. He's overcome substantial odds and hardships. He graduated from that great institution Morehouse College in Atlanta, Georgia, where Dr. Martin Luther King graduated and thousands of African-American men.

At a time when there were few African-American physicians in our country, Dr. Satcher attended Case Western University in Cleveland, Ohio, where he received his medical degree. Dr. Satcher was the first African-American to earn an M.D. and a Ph.D. at Case Western. He was later a professor at Charles R. Drew Medical School in Los Angeles, California and returned to his alma mater, Morehouse, to become the head of the School of Medicine there. He served as president of Meharry Medical School in Nashville, Tennessee

from 1982 to 1993 before becoming the director of the Centers for Disease Control.

I have worked closely with Dr. Satcher, when he was the head of the Centers for Disease Control. He was enormously helpful and responsive with my state's psfesteria crisis.

During his tenure at the Centers for Disease Control Dr. Satcher established himself as a very capable leader in the arena of public health. He aggressively took on the responsibilities of promoting health and preventing disease, injury and premature death. Whether it was increasing childhood immunization rates, expanding the breast and cervical cancer screening program, researching effective treatments for AIDS, or stressing preventive measures in pursuing good health, Dr. Satcher has done an excellent job.

I admire his work on the issues of minority health, especially sickle cell anemia, which affects mostly African-Americans. I also admire Dr. Satcher's courage to look at the link between guns and the public health. Too many young African-American men are being killed by gun violence in our cities. I was also pleased with the way Dr. Satcher took on the issue of food safety.

I am very concerned about recent incidents which have forced us to take a good look at the safety of our food supply.

Dr. Satcher was on cue when he laid the groundwork for a new Early Warning System to detect and prevent food-borne illnesses. This initiative will help respond to outbreaks of food-borne illness earlier, and give us the data we need to prevent future outbreaks.

The work Dr. Satcher has accomplished at CDC, along with his experience as a physician and scholar before that, directly prepare him for the role of a good surgeon general.

As Surgeon General, Dr. Satcher will be America's advisor on public health issues and the national leader in developing public health strategies.

I know Dr. Satcher will provide this country with a strong voice for public health. I wholeheartedly endorse this nominee. I urge my colleagues to support Dr. Satcher's nomination.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH and Mr. CLELAND pertaining to the submission of S.J. Res. 40 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, some of my colleagues have questioned Dr. Satcher's support for clinical trials of the drug AZT in foreign countries as part of the all-out international public effort to halt the mushrooming epidemic of mother-to-infant transmission of the AIDS virus. Every day more than 1,000 babies in developing countries are born infected with HIV. Clinical trials in the United States in 1994 showed that it is possible to reduce the mother-to-infant transmission of HIV by administering AZT during pregnancy, labor and delivery. However, it is recognized that such treatment would not be feasible in developing countries.

Senator FRIST talked about this briefly in his presentation. It is too expensive, and it requires ongoing therapy which is not possible in remote areas. It also prohibits breast feeding. For these reasons a group of international experts convened by the World Health Organization in June 1994 recommended that research be carried out to develop a simpler, less costly treatment. The idea was to make it affordable in terms of the limited resources for African countries and also that would be culturally suitable in terms of the breast feeding and in terms of the amount of times that individuals would have to come back for treatment. The idea was to tailor the regime to the existing cultural, economic and social regimes which exist in areas of the world where we have high concentrations of HIV but recognizing that one of the very encouraging areas with regard to HIV is trying to intercept the passage of the HIV into newborn children.

Recognizing the possibilities for trying to reduce the communication of HIV to these infants, the challenge was, can we develop an alternative regime that would prevent the babies of those infected with HIV from contracting this disease, and do it in a way which is affordable, culturally acceptable, and effective? So, responding to this urgent need, the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization and other international experts worked closely with scientists from developing countries to develop a treatment that is usable in these countries and can reduce the devastating toll of HIV on their children.

Dr. Satcher has acted entirely ethically and responsibly on this issue. The World Health Organization and the developing countries urgently requested the CDC and NIH to provide assistance in designing and conducting these trials, in cooperation with the research communities in the host countries.

In a letter to NIH dated May 8, 1997, Edward K. Mbidded, chairman of the AIDS research committee of the Uganda Cancer Institute wrote:

> These are Ugandan studies conducted by Ugandan investigators on Ugandans. Due to lack of resources, we have been sponsored by organizations like yours. We are grateful that you have been able to do so. There is a mix-up on issues here, which needs to be clarified. It is not NIH conducting the studies in Uganda, but Uganda's doing the study on their people for the good of their people.

Dr. David Ho, the director of the Aaron Diamond AIDS Research Center in New York City and Time's 1996 Man of the Year, has stated:

> These clinical trials were created for Africans by Africans with the good of their people in mind and with their informed consent. The studies were designed to be responsive to local needs through the constraints of each study site. African scientists have argued that it is not in their best interests to include a complicated and costly AZT regime for the sake of comparison, for such a regime is not only unaffordable but logistically indefensible.

Before patients were enrolled in the clinical trials, they were specifically informed of their AIDS status and counseled about the risks and benefits of participation, including the fact they might be in a study group that received a placebo instead of an AZT anti-virus drug.

This is the critical issue or one of the very major issues that obviously distinguish it from the Tuskegee study where there was no informed consent. At the time when the study started with the African Americans, blacks in this country, in the South, primarily in Alabama, those who participated in the venereal disease studies were never told that there was a cure. They were never informed that there was medical information that could make these individuals healthy. They were maintained, effectively, by the U.S. Public Health Service, in their stage of sickness. And some of them even died.

This whole issue of informed consent was a matter of very considerable debate and discussion here in the U.S. Senate in the early 1970's. I had the opportunity of chairing the hearings during that period of time. After those series of incidents, we required informed consent. Every Member of this body and everyone who is listening to this knows that every time they go into a doctor's office and they sign that little sheet, "informed consent"—they never did that before 1975. That was as a result of Senate hearings. Any tie-in with Tuskegee is a distortion and misrepresentation and a disservice and inaccurate.

In Tuskegee there was no ethical review. In these studies there was an ethical review. There was no oversight of those kinds of studies. In this study there is an oversight. There was no counseling about the transmissibility. In this study there was. No informed consent. In this case—yes. It is entirely different.

Now, as a practical matter, the only AZT treatment—to come back to the proposal again that was approved for the African countries—as a practical matter the only AZT treatment available to any women in these developing countries is the treatment provided to participants in the study. There was no other kind of treatment. The HIV-infected women in these countries do not have access to AZT because, as has been pointed out, it costs too much.

Ethics Committees in both the United States and the developing countries conducted continuous, rigorous ethical reviews of the trials. The committees were made up of medical scientists, ethicists, social scientists, members of the clergy, and people with HIV. The role of these committees guaranteed that the trials would conform to strict ethical guidelines for biomedical research, including the Declaration of Helsinki and the International Guidelines for Biomedical Research Involving Human Subjects.

The AMA president-elect, Dr. Nancy Dickey, has stated that these studies are "scientifically well founded" and "in the long run will provide serious answers and are not the kind of superficial, unethical research that the critics are trying to make them out to be."

Dr. Neil Halsey, the Professor and Director of the Division of Disease Control of the Department of International Health at Johns Hopkins University; Dr. Andrea Ruff, Associate Professor at Johns Hopkins, wrote to Secretary Shalala on October 24, 1997 stating:

". . . we strongly believe that these trials are ethical and essential for identifying effective, practical regimes that could be implemented in most developing countries."

Even those within the scientific community who have raised concerns about these trials, such as Dr. Sidney Wolfe, the director of the Public Citizen Health Research Group, have expressed their support for Dr. Satcher.

So, I ask unanimous consent to have printed in the RECORD a series of articles that indicate the broad ethical support for the conduct of these trials.

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

[From the New England Journal of Medicine, Oct. 2, 1997]

ETHICAL COMPLEXITIES OF CONDUCTING RESEARCH IN DEVELOPING COUNTRIES

(Harold Varmus, M.D. and David Satcher, M.D., Ph.D)

One of the great challenges in medical research is to conduct clinical trials in developing countries that will lead to therapies that benefit the citizens of these countries. Features of many developing countries—poverty, endemic diseases, and a low level of investment in health care systems—affect both the ease of performing trials and the selection of trials that can benefit the populations of the countries. Trials that make use of impoverished populations to test drugs for use solely in developed countries violate our most basic understanding of ethical behavior. Trials that apply scientific knowledge to interventions that can be used to benefit such populations are appropriate but present their own ethical challenges. How do we balance the ethical premises on which our work is based with the calls for public health partnerships from our colleagues in developing countries?

Some commentators have been critical of research performed in developing countries that might not be found ethically acceptable in developed countries. Specifically, questions have been raised about trials of interventions to prevent maternal-infant transmission of the human immunodeficiency virus (HIV) that have been sponsored by the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC). Although these commentators raise important issues, they have not adequately considered the purpose and complexity of such trials and the needs of the countries involved. They also allude inappropriately to the infamous Tuskegee study, which did not test an intervention. The Tuskegee study ultimately deprived people of a known, effective, affordable intervention. To claim that countries seeking help in stemming the tide of maternal-infant HIV transmission by seeking usable interventions have followed that path trivializes the suffering of the men in the Tuskegee study and shows a serious lack of understanding of today's trials.

After the Tuskegee study was made public, in the 1970s, a national commission was established to develop principles and guidelines for the protection of research subjects. The new system of protection was described in the Belmont report. Although largely compatible with the World Medical Association's Declaration of Helsinki, the Belmont report articulated three principles: respect for persons (the recognition of the right of persons to exercise autonomy), beneficence (the minimization of risk incurred by research subjects and the maximization of benefits to them and to others), and justice (the principle that therapeutic investigations should not unduly involve persons from groups unlikely to benefit from subsequent applications of the research).

There is an inherent tension among these three principles. Over the years, we have seen the focus of debate shift from concern about the burdens of participation in research (beneficence) to equitable access to clinical trials (justice). Furthermore, the right to exercise autonomy was not always fully available to women, who were excluded from participating in clinical trials perceived as jeopardizing their safety; their exclusion clearly limited their ability to benefit from the research. Similarly, persons in developing countries deserve research that addresses their needs.

How should these principles be applied to research conducted in developing countries? How can we—and they—weigh the benefits and risks? Such research must be developed in concert with the developing countries in which it will be conducted. In the case of the NIH and CDC trials, there has been strong and consistent support and involvement of the scientific and public health communities in the host countries, with local as well as United States-based scientific and ethical reviews and the same requirements for informed consent that would exist if the work were performed in the United States. But there is more to this partnership. Interventions that could be expected to be made available in the United States might be well beyond the financial resources of a developing country or exceed the capacity of its health care infrastructure. Might we support a trial in another country that would not be offered in the United States? Yes, because the burden of disease might make such a study more compelling in that country. Even if there were some risks associated with intervention, such a trial might pass the test of beneficence. Might we elect not to support a trial of an intervention that was beyond the reach of the citizens of the other country? Yes, because that trial would not pass the test of justice.

Trials supported by the NIH and the CDC, which are designed to reduce the transmission of HIV from mothers to infants in developing countries, have been held up by some observers as examples of trials that do not meet ethical standards. We disagree. The debate does not hinge on informed consent, which all the trials have obtained. It hinges instead on whether it is ethical to test interventions against a placebo control when an effective intervention is in use elsewhere in the world. A background paper set forth our views on this matter more fully. The paper is also available on the World Wide Web (at http://www.nih.gov/news/mathiv/mathiv.htm).

One such effective intervention—known as AIDS Clinical Trials Group protocol 076—was a major breakthrough in the search for a way to interrupt the transmission of HIV from mother to infant. The regimen tested in the original study, however, was quite intensive for pregnant women and the health care system. Although this regimen has been proved effective, it requires that women undergo HIV testing and receive counseling about their HIV status early in pregnancy, comply with a lengthy oral regimen and with intravenous administration of the relatively expensive antiretroviral drug zidovudine, and refrain from breast-feeding. In addition, the newborn infants must receive six weeks of oral zidovudine, and both mothers and infants must be carefully monitored for adverse effects of the drug. Unfortunately, the burden of maternal-infant transmission of HIV is greatest in countries where women present late for prenatal care, have limited access to HIV testing and counseling, typically deliver their infants in settings not conducive to intravenous drug administration, and depend on breast-feeding to protect their babies from many diseases, only one of which is HIV infection. Furthermore, zidovudine is a powerful drug, and its safety in the populations of developing countries, where the incidences of other diseases, anemia, and malnutrition are higher than in developed countries, is unknown. Therefore, even though the 076 protocol has been shown to be effective in some countries, it is unlikely that it can be successfully exported to many others.

In addition to these hurdles, the wholesale cost of zidovudine in the 076 protocol is estimated to be in excess of $800 per mother and infant, an amount far greater than most developing countries can afford to pay for standard care. For example, in Malawi, the cost of zidovudine alone for the 076 regimen for one HIV-infected woman and her child is more than 600 times the annual per capita allocation for health care.

Various representatives of the ministries of health, communities, and scientists in developing countries have joined with other scientists to call for less complex and less expensive interventions to counteract the staggering impact of maternal-infant transmission of HIV in the developing world. The World Health Organization moved promptly after the release of the results of the 076 protocol, convening a panel of researchers and public health practitioners from around the world. This panel recommended the use of the 076 regimen throughout the industrialized world, where it is feasible, but also called for studies of alternative regimens that could be used in developing countries, observing that the logistical issues and costs precluded the widespread application of the 076 regimen. To this end, the World Health Organization asked UNAIDS, the Joint United Nations Programme on HIV/AIDS, to coordinate international research efforts to develop simpler, less costly interventions.

The scientific community is responding by carrying out trials of several promising regimens that developing countries recognize as candidates for widespread delivery. However, these trials are being criticized by some people because of the use of placebo controls. Why not test these new interventions against the 076 regimen? Why not test them against other interventions that might offer some benefit? These questions were carefully considered in the development of these research projects and in their scientific and ethical review.

An obvious response to the ethical objection to placebo-controlled trials in countries where there is no current intervention is that the assignment to a placebo group does not carry a risk beyond that associated with standard practice, but this response is too simple. An additional response is that a placebo-controlled study usually provides a faster answer with fewer subjects, but the same result might be achieved with more sites or more aggressive enrollment. The most compelling reason to use a placebo-controlled study is that it provides definitive answers to questions about the safety and value of an intervention in the setting in which the study is performed, and these answers are the point of the research. Without clear and firm answers to whether and, if so, how well an intervention works, it is impossible for a country to make a sound judgment about the appropriateness and financial feasibility of providing the intervention.

For example, testing two or more interventions of unknown benefit (as some people have suggested) will not necessarily reveal whether either is better than nothing. Even if one surpasses the other, it may be difficult to judge the extent of the benefit conferred since the interventions may differ markedly in other ways—for example, cost or toxicity. A placebo-controlled study would supply that answer. Similarly, comparing an intervention of unknown benefit—especially one that is affordable in a developing country—with the only intervention with a known benefit (the 076 regimen) may provide information that is not useful for patients. If the affordable intervention is less effective than the 076 regimen—not an unlikely outcome—this information will be of little use in a country where the more effective regimen is unavailable. Equally important, it will still be unclear whether the affordable intervention is better than nothing and worth the investment of scarce health care dollars. Such studies would fail to meet the goal of determining whether a treatment that could be implemented is worth implementing.

A placebo-controlled trial is not the only way to study a new intervention, but as compared with other approaches, it offers more definitive answers and a clearer view of side effects. This is not a case of treating research subjects as a means to an end, nor does it reflect "a callous disregard of their welfare."[2] Instead, a placebo-controlled trial may be the only way to obtain an answer that is ultimately useful to people in similar circumstances. If we enroll subjects in a study that exposes them to unknown risks and is designed in a way that is unlikely to provide results that are useful to the subjects or others in the population, we have failed the test of beneficence.

Finally, the NIH- and DCD-supported trials have undergone a rigorous process of ethical review, including not only the participation of the public health and scientific communities in the developing countries where the trials are being performed but also the application of the U.S. rules for the protection of human research subjects by relevant institutional review boards in the United States and in the developing countries. Support from local governments has been obtained, and each active study has been and will continue to be reviewed by an independent data and safety monitoring board.

To restate our main points: these studies address an urgent need in the countries in which they are being conducted and have been developed with extensive in-country participation. The studies are being conducted according to widely accepted principles and guidelines in bioethics. And our decisions to support these trials rest heavily on local support and approval. In a letter to the NIH dated May 8, 1997, Edward K. Mbidde, chairman of the AIDS Research Committee of the Uganda Cancer Institute, wrote:

These are Ugandan studies conducted by Ugandan investigators on Ugandans. Due to lack of resources we have been sponsored by organizations like yours. We are grateful that you have been able to do so. . . . There is a mix up of issues here which needs to be clarified. It is not NIH conducting the studies in Uganda but Ugandans conducting their study on their people for the good of their people.

The scientific and ethical issues concerning studies in developing countries are complex. It is a healthy sign that we are debating these issues so that we can continue to advance our knowledge and our practice. However, it is essential that the debate take place with a full understanding of the nature of the science, the interventions in question, and the local factors that impede or support research and its benefits.

[From the New York Times Oct. 15, 1997]

AIDS EXPERTS LEAVE JOURNAL AFTER STUDIES ARE CRITICIZED

(By Lawrence K. Altman)

Two internationally recognized AIDS experts are resigning from The New England Journal of Medicine's editorial board over the content and handling of articles criticizing the ethics of Federally financed studies of AIDS treatments in third-world countries.

The countries seek a drug regimen less costly than those used in the United States to thwart transmission of the AIDS virus from mothers to infants. In trials involving more than 12,000 infected pregnant women in Africa, Thailand and the Dominican Republic, some women receive the drug AZT, which has worked in studies in the United States, while others receive dummy pills.

The journal's attack on the studies, which compares them to the infamous Tuskegee experiment, has led to wide discussion, including harsh criticism of the journal itself, and focuses attention on the role of the 25-member editorial aboard and the two who are resigning in protest, Drs. David Ho and Catherine M. Wilfert. The two objected to not being consulted before publication of an attack on research that could save lives, and Dr. Ho worried that the attack itself could jeopardize future research on experimental AIDS vaccines.

Dr. Jerome P. Kassirer, the journal's chief editor, said the board's function is to give advice on broad issues and suggestions of authors for editorials and reviews, but that the board was not routinely consulted.

Dr. Ho, a virologist at the Aaron Diamond AIDS Research Center in Manhattan, and Dr. Wilfert, a pediatrician at Duke University in Durham, N.C., are the journal board's chief advisers on AIDS.

A third board member, Dr. Richard P. Wenzel, chairman of medicine at the Medical College of Virginia in Richmond, said in an interview that he agreed with much of Dr. Wilfert's criticism but was withholding a decision about resigning until after the issue was discussed at the board's annual meeting in December.

Drs. Ho and Wilfert said in separate interviews that they had resigned independently largely because the journal had not consulted them before publishing an editorial that likened the new experiments to the Tuskegee experiment, in which poor black men suffering from syphilis were left untreated.

Dr. Ho, Dr. Wilfert and others have taken issue with the Tuskegee comparison in part because the subjects in the AZT studies were told that some would get dummy pills. In the Tuskegee study the men were not told that penicillin had became available while the study was under way, and so did not know that effective treatment was being withheld.

A full-time staff of editors produces the weekly journal, but Dr. Ho said that "the reason you have an editorial board to help with policy is to get some input when you have major issues like this one, and that clearly did not take place."

In the editorial process, "it was clear that my role was not crucial," he said.

Dr. Ho said he was deeply concerned about how the critical editorial would affect the future of studies to evaluate experimental AIDS vaccines in developing countries.

Dr. Wilfert said she was resigning because the journal published the editorial and another critical article on Sept. 18 without presenting the other side.

"It was like ignoring half of it on purpose," Dr. Wilfert said.

Because her name was on the masthead, "It implied that I agreed with it when I didn't," she said.

"It is an error and bad policy" and "a grievous misuse of the journal's power," Dr. Wilfert said.

"Those are not decisions that a few people in the editorial office ought to feel comfortable with, because no one small group of persons, no matter who they are, can cover the waterfront well enough" in translating health policy and practice in developed countries to those in developing countries, Dr. Wilfert said.

Dr. Wilfert said she was resigning effective Dec. 31 in order to "vent my spleen" at the annual meeting. She said she feared that if she resigned sooner "the issue might not be discussed at the meeting."

The journal published a rebuttal two weeks after its attack. It was written by Dr. Harold Varmus, the head of the National Institutes of Health, and Dr. David Satcher, the head of the Centers for Disease Control and Prevention, and would not have been printed so quickly had not Dr. Varmus received a leaked copy of the original editorial before publication, those involved in the dispute said.

Dr. Marcia, Angell, the journal's executive editor, wrote the editorial.

Dr. Wenzel, the board member from Richmond, said that if the authors of the critical articles "really knew the facts they would have done a better job."

The journal's chief editor, Dr. Kassirer, said he regretted Dr. Ho's said Dr. Wilfert's decisions to resign and was unaware of any similar resignations at the journal, which was founded in 1812.

The editorial board members, who have no set term, Dr. Kassirer said, are named by the

chief editor, who can elect not to renew them as members and has done so.

Dr. Kassirer said that Dr. Wilfert "wanted to have prior consultation of the material in the journal, which is just not acceptable to me because prior consultation is not what the editorial board is for."

He said the journal intentionally did not strive to present all sides of an issue "because if you did you would end up with a kind of Talmudic discussion in "which readers could end up having no particular view one way or the other and it would be rather boring."

Dr. Varmus, the National Institutes of Health director, said that "The New England Journal of Medicine is trying to attract more attention by making political, ethical, philosophical and economic statements that have traditionally not been in that journal in such an inflammatory way."

But he also said that "before you inflame the public and attract so much attention, you might want to ask experts on the editorial board what they thing."

The Massachusetts Medical Society owns The New England Journal of Medicine. Dr. Ronald A. Arky, a Harvard Medical School professor who heads the society's publications committee to which Dr. Kassirer reports, said he learned of the resignations last Friday.

"The committee will want to hear from the editor about the resignations" at their next meeting in early November, Dr. Arky said.

[From Time Magazine, Sept. 30, 1997]

IT'S AIDS, NOT TUSKEGEE—INFLAMMATORY COMPARISONS WON'T SAVE LIVES IN AFRICA

(By David D. Ho, M.D.)

In the current issue of the New England Journal of Medicine, Peter Lurie and Dr. Sidney Wolfe of the advocacy group Public Citizen charge that some U.S.-sponsored AIDS-research projects in Africa are unethical. The journal's editor, Dr. Marcia Angell, goes even further, comparing these studies to the infamous Tuskegee experiment in which black men in the South were deliberately deceived and denied effective treatment in order to determine the natural course of syphilis infection. This comparison is inflammatory and unfair and could make a desperate situation even worse.

Doctors in the U.S. have known since 1994 that the drug AZT can substantially reduce the chance of transmission of the AIDS virus from an infected woman to her newborn child. Unfortunately, administering AZT to pregnant women is complicated and quite expensive—about $1,000 per mother. That's far beyond the means of most developing countries, where 1,000 newborns are infected each day.

Hoping to find an AZT regimen they could afford, African researchers sought sponsorship from U.S. health agencies and launched a number of scientific studies in which some mothers were given short treatments with AZT and some, for the purpose of comparison, received a placebo. It is the inclusion of these placebo groups that the critics find objectionable. Giving a sugar pill to an AIDS patient is considered ethically unacceptable in the U.S. To give one to a pregnant African, Dr. Angell writes, shows a "callous disregard of [a patient's] welfare for the sake of research goals."

These clinical trials, however, were created for Africans, by Africans, with the good of their people in mind and with their informed consent. The studies were designed to be responsive to local needs and to the constraints of each study site. African scientists have argued that it is not in their best interest to include a complicated and costly AZT regimen for the sake of comparison when such a regimen is not only unaffordable but logistically infeasible. They have, instead, opted for a study design that is achievable in practice and is likely to provide lifesaving answers expeditiously, even though it includes a group of women receiving a placebo. While the inclusion of this placebo group would not be acceptable in the U.S., the sad truth is that giving nothing is the current standard of care in Africa.

The ethical debate here is obviously a complex one, without a clear distinction between right and wrong. Comparisons to Tuskegee don't help; neither does the imposition of Western views, or what Dr. Edward Mbidde of Uganda calls "ethical imperialism." Calm and careful deliberations are in order. Insisting on the infeasible in the name of ethical purity is counterproductive in the struggle to stop this deadly virus.

Mr. KENNEDY. I see my friend and colleague, Senator WELLSTONE. I had some other remarks, but I will either make them later in the afternoon or include them in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Massachusetts. I say to Senators who are out here for the debate, I shall not take long.

I rise to support the nomination of Dr. David Satcher to be the next Surgeon General of the United States and Assistant Secretary of Health. Dr. Satcher is a man above reproach, whose life path has brought him here today to serve as the 17th Surgeon General. We should not delay in confirming this nomination.

What is it that makes Dr. Satcher such a wise appointment for Surgeon General of the United States? Look back over this man's life, for the fabric of a person is woven over the course of a lifetime. Dr. Satcher's fabric is tight knit, vibrant, trustworthy and strong.

Where does he come from? Is it from his childhood, growing up in rural America in a poor family with poor access to medical care, nearly dying at the age of 2 from whooping cough? Is that what makes him such an outstanding spokesperson for childhood immunization, for childhood nutrition, for preventive health? Is that what makes him such a powerful role model for children to follow their dreams?

Or is it from the tragic loss of his first wife, the mother of his children, at a very young age from cancer? This man knows the tragedy of disease, not just on an academic level, not just on a professional level, but also on a very personal level.

Or is it from his professional, academic and public service careers that truly do make him very special? This is a man who has used his considerable skills to serve those people in our country who were quite often the poorest of poor and, in particular, I have in mind poor children all across our Nation.

After graduating from Case Western Reserve Medical School, his life has been spent caring for patients, teaching students and promoting public health, and he has done it well. His most recent position has been as Director for the Centers for Disease Control and Prevention.

In his 4 years as Director for the Centers for Disease Control and Prevention, Dr. Satcher had—a little bit of evidence—spearheaded initiatives that have increased childhood immunization rates from 55 percent in 1992 to 78 percent in 1996; improved the Nation's capability to respond to emerging infectious diseases; laid the groundwork for a new early warning system to detect and prevent foodborne infections; expanded the CDC's comprehensive breast and cervical cancer screening program from 18 States to all 50 States; and under Dr. Satcher's stewardship, the CDC has directed its attention to the causes and consequences and prevention of an epidemic which has long been a concern of my wife Sheila and of concern to me, and that is the epidemic of domestic violence against women in our country.

Mr. President, I frequently come to the floor to talk about fairness, what is the right thing to do, what is the fair thing to do. And today I want to talk about fairness; yes, to Dr. Satcher, but even more so to fairness to the people in our country who are waiting for leadership from this Surgeon General; fairness to the families and children of inner cities I have visited all across America who are waiting for a spokesperson to tell them how to improve some of the unsafe conditions that they live under, how to improve their health care for themselves as parents and for their children; fairness to the residents of rural America who are medically underserved and are waiting for new ideas to make health care accessible; fairness to the youth of America who have been waiting for a clear and credible voice to lead them away from tobacco addiction before they light their first cigarette; and fairness to the victims of domestic violence and cancer and drug and alcohol abuse who are waiting for Dr. Satcher to speak from his bully pulpit about preventing these terrible tragedies.

Mr. President, it is not fair for us to delay any longer Dr. David Satcher's nomination. We have the responsibility to vote. We have the wisdom, or should have the wisdom, to vote for this man who can do so much for our country. Elementary justice demands that the United States Senate vote for confirmation of Dr. David Satcher as Surgeon General and Assistant Secretary of Health. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, that was an excellent statement by my

friend and colleague, the Senator from Minnesota.

Mr. BINGAMAN. Mr. President, I rise in support of Dr. David Satcher for confirmation both as the Surgeon General of the United States and Assistant Secretary for Health. In so doing, I want to speak both to the position of Surgeon General itself and to the qualifications of this nominee.

From 1871 until the present, 16 individuals have had the honor to serve as this nation's chief advisor on public health matters. These individuals served to protect, improve, and advance the health of all people in the United States. While there are those that criticize and may disagree with the position, in many ways the Surgeon General serves as the health conscience for the country.

Many Americans may not know the history of this position and can name few of the 16 individuals who have served as Surgeon General. However, most Americans can point to ground breaking reports or initiatives that were conducted by Surgeon Generals. For instance, they are aware of the role of the Surgeon General in programs to immunize millions against polio. Most can cite the important declaration in 1964, by the Surgeon General that: "smoking can be hazardous to your health." Indeed, past Surgeon Generals have issued benchmark reports on smoking, nutrition, water fluoridation, and HIV and AIDS.

The public deserves to have this position filled; it has been vacant for too long. We have been without a Surgeon General since December of 1994. We need an identifiable, objective leader as we deal with the broad spectrum of health care issues before the country. Dr. David Satcher is that leader.

Dr. Satcher is a distinguished family physician, academician, and leader in the arena of public health. Indeed, he has headed the Centers for Disease Control and Prevention since 1993. He has written that he will utilize the position of the Surgeon General to focus on issues that unite Americans. I am particularly interested in his commitment to, and expertise on, the issues of health promotion and disease prevention. During his confirmation hearing before the Committee on Labor and Human Resources, he emphasized his desire to promote healthy lifestyles and focus on issues of critical importance such as better nutrition and exercise. Dr. Satcher recognized the opportunities for lifestyle modification as a way of improving the health of Americans. His performance in this arena in the past and his stated agenda for the future, place prevention as a focal point.

Mr. President, the accomplishments of Dr. Satcher at the CDC have had a direct impact in my home state of New Mexico. For New Mexico, border health issues are of utmost importance. Dr. Satcher has helped develop an innovative strategy to combat threats from new and reemerging communicable diseases like tuberculosis which cause problems in our border region. Greater outreach to the general public and health professionals has resulted in four straight years for declining TB rates.

Additionally, he has worked to improve the quality and quantity of immunization services. He has promoted better community involvement in the immunization programs. Nationwide, childhood immunization rates rose to a record 78 percent under his leadership at the CDC.

Another initiative, the CDC comprehensive breast and cervical cancer screening program, has flourished under Dr. Satcher's leadership. This program has undeserved and minority women has grown from being offered in the initial eighteen states, to including 50 states, the District of Columbia, 5 U.S. territories, and thirteen Native American organizations. Outreach efforts such as this lead to increased access and are key to reaching low income minority and older women. They afford the opportunity as well to educate at risk women on early detection of cancers.

In closing, Dr. David Satcher is eminently qualified to speak out for the public's health and the nation's health needs. The nation deserves to have this position filled now. His commitment to public health will be a credit to this country. Please join me in supporting Dr. David Satcher for Surgeon General and Assistant Secretary for Health.

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

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

Mr. ASHCROFT. Thank you, Mr. President.

There have been a number of charges made and some pretty strong language suggested, as well as a lot of repetition and volume regarding some of the circumstances surrounding the conduct of Dr. Satcher in his role as an individual involved both in domestic health situations and international health situations.

Let me begin by going through a number of these issues and referring to what notable authorities and investigators have indicated.

When I raised the issue of the CDC, under the direction and in cooperation with Dr. Satcher, being involved with blind HIV testing for newborns—and while learning about the level of HIV present in the newborns not providing information to parents and sending newborns home without that kind of information—there was a pretty vociferous response, indicating that there were things in the studies that were worth learning. I don't challenge that. There are things that are worth learning that can be learned from medical research. As a matter of fact, it is sometimes easier to learn a lot of things more quickly if you don't really pay much attention to the ethics that are involved. You can learn the most, probably, with research that might be damaging to individuals.

So the mere fact that there are items to be learned and that there is value in terms of statistical data that can be assembled from the study, doesn't justify the existence of a study. As a matter of fact, when you are running rats in a study, you can learn a lot of things very quickly. The reason we use animals in a lot of studies is because we accord to human beings a kind of standing that says the learning objective is not the end of all that we do: we also have to respect the dignity of the individuals involved.

So I just wanted to mention a couple of the kinds of things that were said around the country and by authorities regarding these so-called blind HIV tests.

Here is what was said in the New York Daily News on the 27th of June in 1995. They put it this way:

> Only politics, radical politics, explains the separate standard for AIDS.

Meaning there is a separate approach:

> The Centers for Disease Control and Prevention carried this illogic to an absurd end by requiring testing of newborns, then keeping the results secret. That let officials track the epidemic but denied treatment. Fearful of the push to use the results for actual care, the CDC turned churlish and quit testing.

It is kind of interesting to me that the New York Daily News, which doesn't have an ax to grind here, indicates that there was a set of circumstances that resulted in the CDC pursuing a logic to an absurd end, including testing newborns and keeping the results secret. And then when it was suggested that the CDC provide information to parents, instead of approaching the problem this way, the CDC just decided to quit the program altogether rather than provide information to parents.

My view is that our objective in health, in confirming one who would be a health voice for all the people, should not be that one promotes controversial health measures by just keeping people from knowing about the situation. We should be informative and have a culture of information for people. If people have trouble accepting the information, we should work with them to help them get into a position where they digest the information appropriately and take steps to curtail the risks.

The Washington Post made a pretty clear statement about this at the same time. I think it is important for us to understand that the Washington Post isn't some sort of organization that would be unfair in its assessment of this kind of situation:

For the last 10 years, the Federal Government's Centers for Disease Control has urged doctors and hospitals to advise pregnant women at risk for AIDS to be tested for the disease. Now the CDC has recommended extending this effort to all pregnant women.

The Washington Post goes on to say:

This expansion is due primarily to completion of a study showing that administering the drug AZT to an infected mother during pregnancy and delivery and to her baby for a period after birth reduces incidence of transmission of the disease from 25 to 8 percent. If only those pregnant women known to be at risk are tested, others with the affliction will inevitably be missed and their babies won't receive the drug therapy that has proven to be so effective. Congress is now considering legislation that will make the AIDS testing of newborns mandatory. The congressional effort to include AIDS in this category deserves support.

I think that's important:

A positive test of a child is a sure indication that the mother has the disease. With this information, breastfeeding, which transmits this disease, could be avoided.

I think it is very important to note that if you had provided information about the existence of the HIV virus to the parent, then they would know to avoid breastfeeding in certain situations. And because some of the babies, as Senator KENNEDY has noted, first test positive for HIV and then later remit that indicator spontaneously, those babies shouldn't be breast fed by mothers with risk of additional contamination.

The article makes another interesting point:

And finally it is particularly important that the status of children who are placed in foster care be known. The CDC enumerates all these reasons supporting voluntary testing for all pregnant women. In fact, they are of sufficient weight to require the routine testing of all newborns for AIDS.

The point is this, that testing newborns for AIDS should be attended by being able to take advantage of the appropriate therapies and the appropriate remedial action.

Arthur J. Ammann, who is the professor of pediatrics at the University of California Medical Center in San Francisco and who was the man who discovered both pediatric AIDS and blood transfusion AIDS, really was distressed about a program of this kind testing blood samples from unidentified children and collecting the epidemiological data but not telling parents whether or not kids have AIDS.

Dr. Ammann is a noted authority who, incidentally, was invited by the Labor committee to give a briefing just this week. And he put it this way. He indicated that the policies were a violation of the international Nuremberg code. "The failure to inform the guardians of known HIV-infected infants, when treatment is available, violates both international and national codes of ethics." The quote comes from an August 3, 1995, Wall Street Journal article.

I think it is important for us to note that there are very serious questions about the kind of testing and the information resulting from the tests and the ethics involved therein. And there may be ways in hindsight to come back and say, "Well, there was value to what was learned and, therefore, it was appropriate for us to do what was done." But I do not think this adequately answers the questions. It does not really adequately address the question why, when we could have moved toward identification and notification, we simply acceded to the politics of the situation.

The New York Daily News said that only radical politics explains the separate standard here, in referencing the fact that there are so many other diseases which, if you had that kind of information, would have been made available immediately.

Another item which I raised earlier about Dr. Satcher was the idea of needle exchanges. The U.S. Congress has expressed itself on needle exchanges. And the American people are, I think, loathe to be participants in a program which would promote needle exchanges.

A Member of this body came to the floor to say that Dr. Satcher had never supported the expenditure of any resources to provide clean needles at Government expense. I think that is technically true. Dr. Satcher and the CDC have, I think, not had a program. They have had studies in which clean needles were provided, and those have been funded.

The Berkeley study in California was a study funded by the CDC which provided so-called "clean needles" to drug addicts. As a matter of fact, the group known as the Harm Reduction Group, which means trying to reduce the harm of IV drug use through needle exchanges, put on a conference called the Atlanta Harm Reduction Working Group Conference. It was a 2-day meeting designed to advance harm reduction in the Southeastern United States by providing government-sponsored or other privately sponsored needle exchange programs.

The CDC was a sponsor or provided funding for this. So it is technically true, almost in a sort of lawyerspeak sense, that the CDC did not engage in a program of needle exchange. It has just had studies where the needle exchanges are used. And they have not exactly advanced the policy in some respect of needle exchanges, they have just undertaken to do it by sponsoring conferences for private groups, whose prime objective is to sponsor these so-called clean needle programs.

We will have more to say about clean needle programs in the future because one of the things that is very difficult about clean needle programs is that they frequently provide clean needles to so-called drug addicts, and then the needles are not appropriately disposed of. And in a variety of settings those needles then are available in the culture because they are left laying around. It is dangerous to have those needles available.

Let me move to the ethics of some of the studies that have been conducted. It is important to know that challenges have been made to the suggestion that the studies in Africa involved breaches of ethics. The study in Africa is said to involve a serious breach of ethics, as stated by the New England Journal of Medicine, a very important medical journal.

The point was raised by supporters of the studies that two members of the board of directors resigned from the New England Journal of Medicine when the criticism of the studies was made.

Let us look at what that means. According to one article, there are 25 members of the board of directors. There were two who agreed sufficiently with the nature of the studies to resign and 23 who thought that their resignations were inappropriate and apparently did not think they should resign.

If we are to infer that the two who did resign supported the ethics of the way the study was conducted, we might infer that the 23 that did not resign opposed the ethics of the study.

It is pretty clear that in our culture there are separate standards, in a lot of ways, for AIDS as a disease and for the HIV virus as a disease.

I think some of that took place as a result of the early acquaintance of the culture with the HIV virus. Then people who had the disease could not get treatment and individuals would not get close to them, and there were elevated desires to have privacy. So HIV was treated in a different way than other viruses or deadly viruses would be treated.

But the only individuals who resigned were individuals who were accustomed to the special ethical standing, if it is appropriate to say that, or the special rules for HIV. They were AIDS individuals. The people in the conventional medical community did not resign.

Dr. Jerome Kassirer, the editor in chief of the New England Journal of Medicine—which is published by the Massachusetts Medical Society—was asked about his response. He said he was surprised and dismayed at the resignations, but he said it was never policy to have editorial board members review editorials or other opinions before they were published.

And these individuals who were interested in, I suppose, having the opportunity to screen what would be said

about these kinds of studies simply had not been accorded that opportunity because the medical journal itself did not want to accord any special status or differential treatment here.

A lot has been said about the ethics of the studies. Others indicated that maybe we should not have followed the ethical requirements because not much money is spent on individuals in Africa for health care on an annual basis.

I think there was a statement made about $5.50 being spent per year in some of the countries. It varies in different countries in Africa. I believe the study that is most sharply in focus would have occurred in the Ivory Coast. The key is, some experts said we could not have used as a part of the study the 076 AZT regime which has been proven to be effective in reducing the number of HIV and AIDS cases among newborn children of HIV infected mothers.

They said we could not use 076 because that treatment is a substantial regime and has substantial costs. They were trying to find a way for a lower-cost regime. And they were going to compare low doses of AZT to a placebo to find out whether low doses could be effective. However, that can be accomplished by comparing low doses to the standard, proven regime.

As a matter of fact, the latter comparison is what ethics requires. According to the New England Journal of Medicine, published by the Massachusetts Medical Society, "Only when there is no known effective treatment is it ethical to compare a potential new treatment with a placebo." Again, the use of a placebo is ethical "Only when there is no known effective treatment."

We have had effective treatments substantiated and approved in the United States and internationally with the 076 AZT regime. Now, it would be possible to compare a lower level of AZT with this effective known treatment to find out whether the low levels were as efficacious as the 076 regime. But we chose instead—and I use the word advisedly, saying we "chose" instead—to use the unknown, low dosage with a placebo, with a sugar pill, which has a known consequence.

We are not comparing two unknowns here. We are comparing a known consequence of no treatment, that is the placebo, with the unknown consequence of a treatment. But this is not the proven treatment. And the real approach we have to understand here is that the ethics of modern medicine in America, in a country that cares about individual patients as well as about scientific data can be generated, would not allow such research. Even though one can generate a lot of data in studies that are very dangerous to the people, our standards of ethics would not allow it. When there is a known treatment, we compare new treatments to the known treatment rather than comparing new potential treatments to something that we know will have no beneficial effect.

And here is the way the editorial in the New England Journal of Medicine went forward. It said:

> Those requirements are made clear in the Declaration of Helsinki, of the World Health Organization, WHO, which is widely regarded as providing the fundamental guidelines of research involving human subjects. It states in research "The interests of science and society should never take precedence over considerations relating to the well-being of the subject." And in any medical study every patient, including those of a control group, if any, should be assured of the best proven diagnostic and therapeutic method.

Now, there was a proven diagnostic and therapeutic method. It was the 076 regiment which has been proven in the United States and internationally. Instead of comparing low dosages of AZT to the best proven therapy and diagnosis, they chose to compare low doses of AZT to a known placebo. And to say to individuals, "Well, those of you that get the placebo are destined to have no therapy"—and we know what that means when it comes to the HIV virus.

The New England Journal of Medicine noted, "Further, the Declaration of Helsinki requires control groups to receive the best treatment, not the local one." Individuals have raised in the study the idea that "Well, people wouldn't be getting good treatment over here anyhow, so we are eligible to disregard the treatment standards for them." They observe that these are poor people. These are African individuals. We can adopt a different standard there. We certainly could not do this in the United States, but we can do this over there because things are not what they ought to be over there.

And here is what the New England Journal says: "Acceptance of this ethical relativism"—this is important—"Acceptance of this ethical relativism could result in widespread exploitation of vulnerable Third World populations for research programs that could not be carried out in the sponsoring country."

Now, additionally, it has been suggested that the reason researchers could not use the 076 regime, which is an expensive regime as in comparison to the low dose of AZT, is that there is not enough money in these African countries ever to give people the high-dose program. Therefore, we cannot experiment with any high-dose programs and find out, using them, whether or not the low-dose program would also work.

The truth of the matter is, you can learn a great deal by comparing the low-dose program to the high-dose program. I submit that you have the opportunity to learn about as much, if not more, than you have by comparing the low-dose program to the placebo. But more importantly is that this is consistent with the ethical standards.

It was suggested that the reason you could use the no-treatment program as part of the study—the placebo—is because there was a low, low amount of money to be spent per capita on health care in these countries. And it said you could not use an $800 program in the test because the people could not afford it. They only spend $5 a year on medicine. Why is it, then, that you could use the low-dose program, which is a $50 program? If one can't afford but $5, one is ineligible for $50 just like he would be for an $800 regime. I do understand that we are not talking about a regime for trying to give everybody the $800 program. Theirs was an effort to try and prove that a $50 program might work. So all they needed to do was to be able to compare the $50 program to subjects who were getting the full program. If the less expensive program it worked just as well, they would at least have the cost down to the $50 level.

But the point being made by the proponents of the research as it was conducted was that it is ethical, because of the costs involved. My own view is that if you only have $5, you can't really buy a $50 treatment any more than an $800 treatment. To say $50 is close enough and $800 isn't misses the point. If you are trying to develop the availability of the $50 treatment, the tests themselves could be measured against a therapy which is more costly.

The last point I make is that if none of the treatments would be used in the countries where the tests are being made, it is unethical to conduct tests there. It's clear from international standards, whether one is talking about the Nuremberg Code or other standards, you only conduct tests in countries where there is a chance that the therapy would be used. If the testimony of those who argue against the New England Journal of Medicine and these individuals is that you might have used the low dose, that is fine, we can conduct them there. However, you don't make laboratory rats out of people in the conduct of those tests merely because there is not a sufficient level of medical resources there to justify the more expensive program being used in the United States.

The New England Journal of Medicine directly indicates that "The test directly contradicted Department of Health and Human Services' own regulations governing U.S.-sponsored research in foreign countries, as well as joint guidelines for research in the Third World issued by the WHO and the Council for International Organizations of Medical Science, which require that human subjects receive protection at least equivalent to that in the sponsoring country."

Now, here you have another standard. It is not that this fell short of the ethics of one part or another part, or one little fraction, or another little

fraction. In the first instance, you never use a placebo when an effective treatment is known. Secondly, control groups are required to receive the best current treatment, not the local one. Thirdly, you don't do, in a Third World country, what you could not do in your own country.

Now, it is pretty clear that there are a number of settings in which that idea of using other countries might be productive. But one might have trouble getting agreement to this, especially in the light of some of the controversy that has existed in the United States. Dr. Satcher testified at one time, "What may not be readily apparent to all is how the CDC and the U.S. learned and benefited from international public health activities, including those related to HIV protection. It is clear that, in some instances, research relevant to both developing countries and the U.S. can be conducted more efficiently and expeditiously in developing countries because of the magnitude of the problem in those settings and, therefore, we have utilized that approach." Yes, it's more efficient and expeditious, if it is only because there is a bigger population. I think that justifies the potential if we follow the ethical guidelines. But if we say that we can do it more efficiently and effectively there because we don't have to provide real medicine, we say to the people of those countries that we don't care as much about your lives as we care about lives in our own country. If we say these things, we have then also embarked on a course of action that has very serious ethical complications.

I would like to quote from Dr. Arthur Kaplan, the Director of the Center for Bioethics at the University of Pennsylvania:

> If you tried to do this study in the U.S., you would have to do it through a throng of demonstrators and a sea of reporters," he states. "I would not do this study without a design that would let me run it without a placebo. I think you owe that to your subjects, even if they are not educated enough or savvy enough to demand it from you.

Now, that is strong language. I have no doubt that Dr. Satcher is an individual of tremendous achievement and great scientific capacity. I have not sought to question that, and I certainly don't want to question his achievement, his capacity, his intellect, or the fact that he does represent the American dream. But I will question the ethics of the studies in which individuals were given placebos when it's clear that placebos are only ethical in comparisons when there is no known effective treatment. I will question the ethics of the studies when we owe treatment to our subjects and we fail to give it to them because they are in a culture where it's not normally expected. I think Dr. Arthur Kaplan is right. I wouldn't do this study without a design that would let me run it without a placebo. I think you owe that to the subjects. "Subjects" is a kind of interesting term there; it is really talking about the people who are in the medical study. ". . .Even if they are not educated enough, savvy enough to demand it from you."

Here is another article titled "An Apology is Not Enough." This was printed in the Boston Globe on the 18th day of May, 1997:

> No research in developing countries is ethically justified, unless the treatment developed or proven effective will actually be made available to the population.

We have had testimony here that the treatments could not be available, they would be too expensive. The low dosage treatment researchers were seeking to develop was estimated to cost $50. It might be possible to create a less costly regimen. But the components of the study should be performed ethically, regardless of what the ultimate objective is. Even though the objective was a $50 treatment, that doesn't mean that there could be no components greater than $50 in the study. Because ethics requires it you should be measuring the $50 treatment that is being experimented with and comparing it to the best known treatment. You don't compare it to a placebo.

A lot of comment has been made about informed consent. I would just like to take a few minutes to talk about informed consent, because I think it is important for us to try dealing with this problem in the cold light of what the international ethical requirements are. All guidelines stress the importance of obtaining informed consent from individuals asked to participate in the studies. Informed consent isn't just signing a paper. I would indicate in a setting where you are giving individuals sugar pills and it is known that the individuals who get sugar pills are going to have no treatment, that the level of information in the consent should be more than a "sign here," or a rush to consent. It should be an informed, considered, deliberate consent.

Let's see what the international standards are on informed consent. The Declaration of Helsinki, which the New England Journal of Medicine cited, makes informed consent a sort of touchstone of ethics requirements. The Declaration says:

> In any research on human beings, the potential subject must be adequately informed of the aims, the methods, anticipated benefits, and potential hazards of the study and the discomfort it may entail.
>
> Guideline 10: When obtaining informed consent for the research project, the physician should be particularly cautious if the subject is in a dependent relationship to him or her or may consent under duress.

Certainly, in the African studies where these individuals are in a situation where the health care availability is not substantial, these people are in a dependent relationship to the physicians. In that case, the informed consent should be obtained by a physician who is not engaged in the investigation or is completely independent of this official relationship.

Another guideline is from the Council of International Organizations of Medical Sciences—international ethical guidelines for biomedical research involving human subjects. We are not talking about running rats through a maze, or animal trials, taking the heart out of a pig and seeing if it will work in a variety of circumstances, but rather the international ethical guidelines for biomedical research involving human subjects. The Council of International Organizations of Medical Sciences, CIOMS, in collaboration with the World Health Organization make these statements regarding informed consent.

> Guideline 1: For all biomedical research involving human subjects, the investigator must obtain the informed consent of the prospective subject.
>
> Guideline 2: Before requesting an individual's consent to participate in research, the investigator must provide the individual with the following information, in language that he or she is capable of understanding: Each individual is invited to participate as a subject in research and the aims and methods of the research.

So they have to be told that they are invited to participate as a subject and what the aims and methods are.

> The benefits reasonably to be expected to result to the subject, or to others, as outcome of the research, and any foreseeable risks for discomfort to the subject associated with participation in the research; any alternative procedures or courses of treatment that might be as advantageous to the subject as the procedure or treatment being tested.
>
> Guideline 3: Obligations of investigators regarding informed consent. The investigator has a duty to communicate to the prospective subject all the information necessary for adequately informed consent.

All the information necessary. This is a technical area. All the information in a technical area like this might include being informed that there is a known therapy and that it is unethical to conduct a trial without providing the known therapy, according to the Helsinki Declaration and a variety of other ethics guidelines.

> Guideline 4: Subjects may be paid for inconvenience and time spent and should be reimbursed for expenses incurred in connection with their participation in the study, and may also receive free medical services. However, the payment should not be so large on the medical services, so extensive as to induce prospective subjects to consent to participate in the research against their better judgment.

The idea here is, if you are going to offer a bunch of medical care free to a person, they might make a judgment about getting involved in your program and might look aside and not be aware of, or be sensitive to, the risks that would otherwise inure to them as an individual participant.

There is a specific science guideline, No. 8, for research involving subjects in underdeveloped countries.

Before undertaking research involving subjects in underdeveloping communities, whether in developed or developing countries, the investigator must be sure that every effort is made to ensure that the ethical imperative of consent of the individual subjects be followed.

The first guideline of the Nuremberg code relates to informed consent.

Here we are with another code. We have been through the Helsinki, through the CIOMS, which was the Council of International Organization of Medical Sciences, and now we go to the Nuremberg code.

The voluntary consent of human subjects is absolutely essential.

This means that the person involved should have the legal capacity to give consent.

. . . should be so situated as to be able to exercise free power of choice without the intervention of any element of fraud, force, deceit, duress, overreaching, or other ulterior force, constraint, or coercion, and should have knowledge and comprehension of the elements of the subject matter involved to enable him to make understanding and enlightened decisions.

I could go further.

The truth of the matter is that Dr. Satcher claims that there was informed consent here. And there has been a lot of statements on the floor about the nature of informed consent. The facts of the matter, as I have come to understand them—it could be that I need to be corrected—is that the informed consent has not been as thorough as those who have joined in this debate would want to lead people to believe.

Dr. Satcher, in an article that he wrote with Dr. Varmus states that there was informed consent in their studies.

In the case of the NIH and CDC trial, there has been the same requirements for informed consent that would exist if the work were performed in the United States.

Well, was there informed consent?

It is kind of interesting. The New York Times sent a reporter to the area, and decided that there wasn't the level of informed consent that should exist in these cases. The New York Times article says:

According to the CDC, before deciding about entering the studies, women who were potential study participants were provided information about HIV and AIDS and about the intended study, and the possible risks and benefits for their children. It was clearly intended that women involved, their children, and others receive a placebo, a capsule without active medication. There would be no way for them to tell which group they were in. Women must give informed consent before participation commences.

That is what the CDC says. That is in a CDC study, to prevent HIV transmission in developing countries, and their report of April 30, 1997.

So the CDC, in the case of everybody being given all of the information, and that there is an informed consent.

Here is what happened when the New York Times sent a reporter, and the New York Times article brings into question whether many of these women truly gave "informed consent."

I indicate to you that I have blotted out the names of the actual individuals involved here respecting their privacy. Here is an excerpt of the article, along with the accompanying photograph of one of the women who participated in the study. According to the article—we will call this woman "AB,"—a 23-year-old, illiterate, HIV-infected mother and patient in the study "still does not grasp, even after repeated questioning, exactly what a placebo is, or why she might have been given that instead of real medicine."

They gave me a bunch of pills to take and told me how to take them. Some were for malaria, some were for fever, and some were supposed to be for the virus. I knew there were different kinds. But I figured if one didn't work against AIDS then one of other ones would.

This is a picture of AB.

The reason to enroll in the study last year was clear. It offered her and her infant free health care and a hope to shield her baby from deadly infection. Unmarried and unemployed, this new mother, like many others, said the prospect of health as she brought her baby into the world made taking part in the experiment all but irresistible. Still the question of whether she and other pregnant women knew of the implications of consenting to a placebo test hangs over the subject.

Let me give you what the New York Times said about this individual's circumstance, AB. This is CD? I have the initials on the individuals—

Minutes after she was informed for the first time that she carried the virus, one pregnant woman—

This is her picture, CD.

still visibly shaken by the news, was quickly walked through the details of the test, as well as general advice about maintaining her health and protecting others from acquiring the disease, in less than 5 minutes.

This is the eyewitness testimony of how this so-called "informed consent" was obtained "in less than 5 minutes in which the previously unknown concept of a placebo was briefly mentioned."

The session was over and DC.—

Unemployed, and illiterate—

had agreed to take part in the test. One of the most highly educated of the women who spoke to a reporter, a 31-year old single mother with a degree in law who gave her name only as X, said she had never been made to understand that the medicine being tested, ATZ, was already known to stop the transmission of the virus DURING pregnancy.

So what we have here is a feint toward "informed consent." We have people with formal training with a law degree not knowing about effective therapies, not knowing what the real options are, not knowing what the real facts are, and we have a situation where we are using a placebo knowing that the utilization of placebo in that setting is going to result in the absence of any treatment for a disease which is, understandably and acknowledged, to be fatal in virtually every situation.

I think this New York Times article suggests to us that some of the so-called highly touted "informed consent" wasn't as informed as it should have been, and by just reading what the international conventions and the international declarations require you know that it is virtually impossible for a person even of great and substantial medical awareness to understand about "informed consent" in a 5-minute interval.

This is obviously a difficult situation.

I said when I started that America deserves better. I think Africa deserves better than this kind of treatment. I think people in Africa deserve to be treated with the same kind of dignity that the people America ought to be treated. I don't think we should say local conditions over there are different and that changes our ethics. I don't think our character is determined by the people we are dealing with. It is not OK to do things that are not ethical because you are dealing with people who are less well endowed than you are. I don't think it is OK to do things that are unethical or wouldn't meet the ethical standards here at home because the people are poorer than you are, or because they don't have the education. I think as Americans we understand that character is not a condition of circumstance. Circumstances may reveal character. But character is something on the inside that is determined by character itself—not by the circumstances outside.

I really think these are very serious questions about the conduct of medical experimentation. No question in my mind that there is a lot to be gained from these studies. But the truth of the matter is time and time again people, because they have had a a lot to gain from studies who haven't been as sensitive to ethics as we have been, have done things that are inappropriate or ashamed of. There was something to be gained from the study. I am not saying this was Tuskegee. There was something to be gained by it. And the people who excused it said, "Well, these are just poor individuals, and they are not very intelligent individuals. So we can treat them differently than we treat other individuals." And I think the Nation has a real tug in its heart. We realized we were wrong. It was inappropriate, and it was appropriate that there be an apology. And an apology obviously doesn't solve that situation.

I think we have to ask ourselves whether or not we can excuse away the absence of the right ethical standards based on local conditions, based on

local education, based on the individual's intelligence, based on any circumstances. I believe that we have a responsibility to adhere to the guidelines. And in the absence of our commitment to those guidelines there is a serious deficiency. I believe if we do not have a strong commitment to ethics in the office of Surgeon General that we will not have a strong commitment to serving the people of this country in the way that they should be served.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I know that there are others that choose to speak. So I will not take long.

Just in a brief response, we have on the one hand the life of Dr. Satcher when we talk about ethics. And if there is any real kind of a question about his judgment and his failing a duty in terms of ethics, I think we ought to take a look at what the facts are and also take a look at what kind of life he has led in terms of the service of the underserved in his professional life, and the work that he has done. And you will see, this extraordinary light that shines brightly in terms of working for the disadvantaged and those that are left out and left behind, those that do not have good health and medical services, and those that are the sickest and neediest in our society.

To try to take a situation here about informed consent when we have those that have been involved in the programs themselves who describe the various ways that they went about informing potential subjects to be involved in these trials—particularly with the statements of the in-country personnel and to try to use anecdotal information based upon the conversations with one or two of those people that are involved in the trials—as being somehow a reflection of the failure of Dr. Satcher to reach a high ethical standard is a pretty far stretch.

Madam President, I listened with great interest to my friend from Missouri talk about the Helsinki accords, and about the importance of making available the known, effective treatment, that we shouldn't have various kinds of research being conducted if we are denying known effective treatment to these individuals. Well, understand the regimen we are talking about when we are talking about known effective treatment because it was the judgment of the medical professions that if we took the known effective treatment that is used here in the United States that there was serious doubt as to whether it would be effective. That is why the lower dose regimen is being tested in developing countries.

What do I mean? By using the known effective treatment that is used here in the United States that is referred to by the Senator from Missouri, you have to stop breast feeding. You can't use that regimen and continue to breast feed. It was the judgment of the Centers for Disease Control that if you used the 076 regimen you might also be exposing these subjects to other health risks, such as high levels of drug toxicity due to their entirely different diet. It must be recognized that the 076 regimen is not known to be an effective regimen for populations in developing countries. It was known at the Centers for Disease Control if you are going to use the 076 treatment as the standard in the United States, you have to have 100 milligrams of AZT five times. You have to have treatment for 12 weeks of pregnancy and you need to receive intravenous AZT during labor and pregnancy. In order to do this, you have to have a sufficient health infrastructure, one which is going to bring these various infected individuals and bring them back to the center frequently. This infrastructure just is not available.

Senator, get real; the regimen that is effective in the United States, the majority of the scientists at the Centers for Disease Control do not believe it could be effective over there. So when you say, they have no effective treatment, we have this treatment here in the United States of America and we are denying those people that effective treatment and it is violating all those ethical considerations, I have to disagree. Understand what is happening in these situations. Understand these regimens. These developing countries just do not have the infrastructure. You cannot get them to stop breast feeding so they have to follow a different regime, one that permits them to breast feed, one that doesn't require them to come to a clinic on a frequent basis, one that says they do not have to have the elaborate infrastructure that is necessary under the 076 regimen.

The idea to put out on the floor that Dr. Satcher is not qualified, not qualified to be Surgeon General because of this kind of a situation is the most extraordinary stretch in terms of misrepresentation and failure to understand what these trials are really about. I am just amazed as we get further and further into it how weak that case is.

The Senators who are opposed to Dr. Satcher better do a lot better tonight and tomorrow in their opposition than they have done today. I have listened to these arguments, and I can't believe any one of our colleagues who has been following them can believe that there is very much to it. Take this man whose total life has been committed to his fellow human beings, and try and do the acrobatics and gymnastics and trapeze work in terms of misinterpreting these kinds of studies to show that he is basically flawed in terms of his ethical standards, my goodness, Madam President, give us a break. Give us a break.

So, Madam President, I will have more to say on some of these other questions, on the other misrepresentations. There were a series of others. I will just mention in addition one further area that has been raised during the consideration here earlier in the afternoon. Critics have also charged that Dr. Satcher at CDC supported HIV studies on newborns that allowed them to be sent home without telling their parents of their HIV status.

This survey was part of an effort to obtain a better idea of how HIV was spreading in different populations.

It was implemented by State and local health departments across the country with support from CDC. The survey began at a time when little was known about the impact of HIV on women and their children.

The studies were designed to check for the presence of antibodies to HIV infection in newborns. The presence of such antibodies would indicate that the mother is infected with HIV and that her child has been exposed to the virus. Approximately 25 percent of children exposed to HIV develop HIV infection, too.

That is the point I made in the debate earlier in the afternoon. That is why this whole area of study is so important and so exciting, and the consequences so important, because this is an area in medical research that offers some really important potential breakthroughs for babies whose mothers are infected.

The studies were carried out using blood samples that were left over from other routine purposes and that otherwise would have been discarded. The samples were not identified as coming from specific individuals. At the time, AIDS was not well understood. CDC was surveying newborns as a group to learn more about the incidence of the disease in particular communities. No treatment was available for newborns at that time—none. This was in 1988.

This study was part of a responsible scientific effort to learn more about the prevalence of HIV, so that resources could be targeted quickly and effectively. The survey followed strict ethical principles and was approved by the Office for Protection From Research Risks at NIH. A task force of ethicists, lawyers, civil liberties advocates, gay rights proponents, and public health officials met at the Hastings Center, a bioethics think tank, to consider the issue. No objection was raised to these studies.

The Hastings Center is one of the important resources in this country in terms of bioethical issues. They have a number of very thoughtful teachers and scholars who have testified before our committees over the years. And they have been included in this review of this particular project. A 1988 review

of the issue by a Canadian work group also gave its approval to the studies. So did the World Health Organization's Global Program on AIDS.

The Institute of Medicine of the National Academy of Sciences reviewed the survey and approved it as a well-established approach to public health surveys.

Here you have it. You have the NIH Office for Protection from Research, you have the Hastings Center, which is one of the leading bioethic think tanks in this country, approving it. No objection was raised. The Canadian group also reviewed the work and so did the World Health Organization's Global Program on AIDS. The Institute of Medicine of the National Academy of Sciences reviewed the survey and approved it as a well-established approach to public health surveys. All of these bodies have approved these surveys.

The information in the surveys was used by communities for education, screening, and treatment.

The surveys ended in 1995, when new treatments for infants exposed to HIV and other ways to monitor HIV population trends in women of childbearing age became available.

In September of 1997, Dr. Satcher recommended the study be formally terminated, and HHS agreed. So Dr. Satcher terminated it. It was going on when he became the head of the Centers for Disease Control, but he terminated the survey. CDC continues to work with States to identify ways to monitor trends of HIV in women of childbearing age.

Now, Madam President, I was in the Senate during this period of time. It was in 1988 that we had the first initiatives on pediatric AIDS. My good friend from Ohio, Senator Howard Metzenbaum, on the Health and Human Resources Committee—and I will include the exact references tomorrow in the RECORD—was the one who offered the first amendment. It was $10 million to try to help and assist in the area of pediatric AIDS. It was a brand-new challenge in public health. And these studies have been referred to as something we would not subscribe to today, but at a time when we were attempting to find out the nature of the threat in terms of mothers and the extent of the challenge for communities and States in our Nation, these surveys were considered and reviewed and approved.

To try to use today's standard for an earlier period of time when we virtually knew nothing about how to deal with pediatric AIDS—and there was enormous resistance in this body to doing anything about it then, enormous resistance to get into it at all. People forget all of that. Why get involved in this kind of disease research? We went through all of that. We eventually had the work with the Ryan White bill and several other breakthroughs that were important that moved us into a direction which respected the science rather than the ideology of the time. But during this period of time, and I remember very clearly, it was extremely difficult. We were trying to find out more as a nation and as a people about the prevalence of this disease within the population, and so this kind of survey took place. It is easy to flyspeck it now in terms of how surprising it is that any such study could possibly take place today. And it is always useful and valuable to be a Monday morning quarterback. The studies that were done then had been reviewed in terms of their ethical considerations. Maybe some agree, some differ. We could all certainly find criticisms of it knowing what we know today, but that isn't the question.

The fact is this issue was actually started under a Republican administration and ended by Dr. Satcher.

Now, it is nice to come out here and say, well, he should have ended it earlier and therefore he is not qualified. If that is your argument, so be it. But it is not, nor should it be, an argument that is elevated to a serious reason for having any second thoughts about this outstanding nominee.

Finally, I just say, Madam President, as I started out today, we have an extraordinary doctor who has been willing to take on the responsibilities of Surgeon General and tend to our nation's public health concerns. These are tough issues. They deal with the most difficult kinds of problems that we can possibly imagine. We understand that. And Dr. Satcher deserves great credit for being willing to stand up and say I want to continue to serve, as he has his whole life.

We are very fortunate to have such a person willing to stand up, and we are fortunate to have the President nominate him. I am going to be proud to vote in support of him, and I am confident we will have an overwhelming majority of the Senate to do so.

As I said, I have been proud to respond to the questions that have come up today and look forward to further debate and discussion on this outstanding nominee. Hopefully, we will get the opportunity of having a chance to approve him.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, sometimes my colleague from Massachusetts and I disagree openly, sometimes loudly, on different issues, but he and I will not disagree today on the integrity or the excellence of the individual before us, David Satcher. But we will disagree. Nobody deserves a break on the truth or the facts as it relates to the performance of an individual.

So let the Senator from Massachusetts and I agree that David Satcher is an outstanding individual of high quality. We agree. But because of differences in philosophy that sometimes produce politics we will disagree. I think my colleague from Missouri was doing that today. And so no breaks are given to anyone, nor should they be given. We are talking about building a record that is tremendously important as we reach out to decide whether this gentleman should become America's family doctor as the Surgeon General of the United States and therefore the record and the facts as they relate to this individual's performance and what he has done in the past are relevant and very important.

There is no question that David Satcher will probably be confirmed as the Surgeon General, and as he is confirmed and as the American public gets to know him it is important that they know a little bit about his background so they can be ready and aware of what he might do along with what he will be required to do as our Surgeon General.

I would like to talk about two areas that I think are very important to our country as a whole. As I have said, his philosophy is generally very different from my own, and that means that I will and do fundamentally disagree with the views of many of his efforts and my view, my politics, my philosophy is different from our President's. And so it is not unusual that he might nominate somebody that I would not agree with nor would I want to vote to confirm. But I also recognize the reality and the importance of our President being able to nominate those whom he feels would serve best under his Presidency based on his philosophy and his vision of how the country ought to be. So, while I believe the President's choice deserves some deference, I do not believe the Senate should automatically rubberstamp any decision that our President makes. This is one that he has made. It deserves reasonable debate on the floor. I believe I can offer some of that this afternoon.

David Satcher comes to us with a background that includes service as a Federal officer. In his capacity as Director of the Centers for Disease Control, he was made aware of serious concerns that I and other Members of both the House and the Senate had talked about and had visited with him about. I was privileged to have that conversation in my office some time ago with Dr. Satcher. I was pleased that he would come, sit down and engage in a thoughtful and earnest way about something that was of concern to me and a very large constituency in this country; that I felt he and the tax dollars engaged at the National Centers for Disease Control were being misused.

The House and the Senate had concerns about a crusade mounted by the

National Center for Injury Prevention and Control about certain kinds of things, and our director, the Director of the Centers for Disease Control, Dr. Satcher, went in a different direction. He launched a study against private firearms ownership in this country.

Now, you have to scratch your head a bit and say, "What? Firearms? Guns? Centers for Disease Control?" I did. I scratched my head and said, "Dr. Satcher, where are you coming from?" Well, he was quoted to say this, that his efforts and the studies he was putting forth were "to convince Americans that guns are first and foremost a public health menace" and to that end they had ignored years of study by criminologists, people much more directed in the area of guns and crime than the Centers for Disease Control. But Dr. Satcher being politically correct for his President moved on. And therefore went on to say that they had labeled violence as an "epidemic," and concluded that gun control was the way to cure it.

What they failed to recognize, and they should have recognized if they are good clinicians, is that the state and the condition in which the individual is raised produces a violent person, and that a violent person will reach out in his or her act of violence and use any tool available to them. But, no, because it was politically correct, they chose firearms.

Dr. Satcher, firearms are not an epidemic in this country, they are a constitutional right and you ought to understand that. And, while you were being politically correct for this President and your philosophy, you were being unconstitutional. You were directing the energies and the taxpayers' dollars of this country against something that in my opinion was, frankly, none of your business. But you chose to move ahead, for all the reasons I think I have just stated.

In short, the so-called research done by that agency was, in my opinion, both politically motivated and from a scientific point of view—and we have heard about his tremendous scientific credentials this afternoon—seriously flawed. Although Dr. Satcher did not personally conduct the research, he used his position to defend it. Even worse, his leadership at CDC caused it to continue even after it came under criticism. So you have to question. My job is to question. I think my argument today is legitimate. Dr. Satcher, you were acting beyond your professional credentials and, therefore, your science in my opinion was flawed. Now he wants to be America's family doctor.

Mr. President, law abiding gun owners are not a public health menace. Violent people are, and have demonstrated by their actions that they can become a menace to people's health. It is outrageous that the head of any Federal agency would endorse using taxpayers' dollars in a political campaign against a constitutionally protected right of the taxpayer who paid for the campaign. But the gentleman this Senate is about to vote on did just that. He very openly talked to me about it in my office and I respect him for coming to visit about it. His only argument was he just thought it was important to do.

I noted that he was very much in sync with the President, and therefore he was obviously doing the right thing politically. But I think it is time we question him on that issue.

This is not the only area where Dr. Satcher's extreme views, I think, generate some concern. He also supports the legality of partial birth abortions. His position on this controversial procedure is at odds with what most polling data suggest today is 80 percent of the American people, and with the professional and ethical judgment of the American Medical Association. In taking this position, Dr. Satcher clearly chooses the President's political agenda over the views of his medical colleagues. So I think it is important, when there are some who get a bit exercised here that somehow we are questioning this gentleman's sincerity, or most important his professional integrity, that this man is quite often very willing to politicize beyond science something that happens to fit the agenda of the President that he serves.

His views on this particular procedure are so far in the minority, and I think it is important that we recognize that. Many Members of Congress who advocate abortion voted in favor of banning partial birth abortion. Dr. Satcher and President Clinton say the decision to have an abortion should be between a woman, her conscience, and her doctor; and that abortion should be safe and legal. The partial-birth abortion procedure is indefensible on any of those grounds. The procedure we are talking about is one of causing and then stopping delivery of a child. I could go into the details of that. That isn't necessary to do. It has been talked about for a long time on the floor of the U.S. Senate. I think Senators, in a large majority now, fit the understanding of the American people on this issue.

So, let me conclude by saying that my intent this afternoon is not to impugn the talent or the integrity of Dr. Satcher. It is, though, to clearly demonstrate that he is a political nominee who can operate in political ways and has chosen to do so to stay in step with the President who nominated him and to be out of step, not only with the Constitution of this country, but in many instances the vast majority of the American people.

I am not going to attempt to predict the outcome of the vote on the floor but my guess is that when the vote settles, Dr. David Satcher will be the next Surgeon General of the United States. I and others will watch him very closely, hoping he will serve with integrity and responsibility, and that he will not choose to use his bully pulpit as a leverage against fundamental constitutional rights in our country, or what a vast majority of the American people think would be a wrong procedure, a wrong process, or an unnecessary law.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I rise in support of the nomination. If my colleagues will permit me to tell a short personal story, my father was a medical doctor and he practiced the last half of his career in the greater metropolitan area of the Nation's Capital, largely in Virginia. He was a marvelous man. His whole life was his family and medicine. He was sort of in that vintage of the old timers who, when you called, he got in his car or he walked or whatever the case may be, and he went to the homes and the hospitals and tended to the sick and the needy.

I can remember in the Depression days, people would come to our front door and he never hesitated to give his God-given brains and expertise to the assistance of others. I have to tell you, Mr. President, I have said this before, if I had half the brains of my father I would have gone to medical school but I came up short and had to sort of accept the lot that was cast me.

The nominee came to visit me, as I am sure he did with many others, and I talked to him at great length. He impressed me as a man of considerable skills in the medical profession, not in one narrow area but a very broad area. His education, his demeanor—I was very impressed with him. And I then sought, as all of us do, the consultation of our constituents, people who might have known him or had a judgment. I found in the State of Virginia he is highly regarded professionally. As a matter of fact, one of the most eminent physicians in Richmond VA, Frank S. Royal, Sr., whom I have known now for more than 30 years personally as a friend, and who has been a friend and a counsel to a number of Governors—indeed, Republican Governors. He was the late Governor Dalton's physician and closest friend. Anyway, he knew the nominee very well, all the way beginning back in his education. And he wrote me this letter which I ask unanimous consent to have printed in the RECORD following my remarks, giving an unequivocal endorsement of the nominee.

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

(See exhibit 1.)

Mr. WARNER. That letter, together with the endorsement of other recognized medical organizations and physicians in my State, corroborated my own findings. For that reason I am privileged and pleased to cast my vote for the nominee.

I regret, however, that he does not hold all the views that I hold. Particularly, I am opposed to partial-birth abortion and have consistently and will consistently vote to try to end that tragic practice. But we cannot expect this nominee or the nominee for Secretary of State or Defense to hold views which are consistent in their entirety with the views of individual Senators. I have been here, this is my 19th year now. I have cast many votes for nominees, and often you do so based on the totality of the credentials.

Mr. President, I will ask unanimous consent to have printed in the RECORD other documentation which I feel is important to this nomination and those reviewing it, and indicate in my own personal judgment we are fortunate to have a man of this depth of experience and dedication, who could obviously earn many times over a Government salary in private practice, to step forward and volunteer to help the ever-increasing problems associated with America's health system.

Mr. President, I yield the floor.

EXHIBIT 1

EAST END MEDICAL CENTER,
Richmond, VA, September 30, 1997.

The Hon. JOHN W. WARNER,
The U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am very pleased to lend my support to the nomination of Dr. David Satcher to the position of Assistant Secretary for Health & Human Services and Surgeon General. I am confident that all will benefit from his continued advocacy in his new role.

I am very familiar with Dr. Satcher's creative and innovative approaches to increasing access to health care services for all people through public-private partnerships. His unique proposal to consolidate the acute hospital services offered by Nashville's Metropolitan General Hospital and Meharry Hubbard Hospital into one modern facility on the Meharry campus is scheduled to come to fruition in January 1998.

Dr. Satcher is uniquely qualified for this position because of his dedication to two causes-improving the diversity and quality of the educational experience of health professionals and enhancing the capacity of our public health infrastructure to address the needs of the nation's communities.

I pledge my support for this nomination and request that Dr. Satcher be confirmed for this position.

Sincerely,

FRANK S. ROYAL, Sr., M.D.

Mr. JEFFORDS. Mr. President, I thank the Senator for his very excellent words about the nominee, Dr. Satcher, as we work in order to, hopefully, bring about his confirmation.

I would like to make a few comments while we wait and see if someone else is ready to talk.

I think it is important to briefly go through, and I am going to do it again another time with perhaps a little visual presentation of what we are talking about when we talk about the AZT trials and the responsibility of Dr. Satcher and Dr. Varmus, who is the head of NIH.

We are talking about trials which were designed in Africa, by Africans, for Africans, after the review of many boards and groups that were working toward a solution to this problem. We are not talking about trials in the United States. Those of you who have visited Africa know the incredible AIDS epidemic that is going on in those nations. We think we have a problem here. The problems in the African nations where there is some evidence that the AIDS epidemic started—there are millions of pregnant women who are in danger of transmitting HIV to their children—are unimaginable.

The question was, how do you handle that situation? It was decided by doctors and health officials in the host countries that they had to design some sort of a treatment protocol where they would know what would happen when they administered certain doses of drugs. So what they did—out of the huge pool of HIV infected pregnant women—was invite a group of them to participate in this trial.

They invited these women—who were not going to receive any treatment for their HIV infection—and they said to them that, "We would like you, if you are willing, to participate in our trial; some of you will get medicine which might help your baby, some of you will receive a sugar pill. You may stop participating in this trial anytime you want. The only way we can determine whether the medicine is safe for you and your baby, however, is to do it in this way."

So it is not a question of whether these HIV infected pregnant women had an alternative to go out and get help someplace else. They did not. Participation in this trial was the best hope for getting any treatment that might prevent them from giving HIV to their babies. Not only that, most of these women were not in a situation, for instance, where they could have used the 076 regimen even if it had been made available as part of the drug trial. They could not buy infant formula; thus, they ended up having to nurse anyway. The 076 regimen requires that women give up nursing.

There are a lot of differences—differences in culture and differences in circumstances—between here and in Africa. The host countries and the international organizations involved discussed all of these issues and finally agreed on this regimen for testing. They did so because they believed it provided the greatest hope for their own people.

Now they get criticized because these pregnant women who would never have gotten any help were invited to participate in a trial where they might get some help. They are criticized for doing this, because the participants didn't know whether they would receive the medicine or the sugar pill. It is a difficult situation, but it can be misleading if you don't understand the dynamics of the situation which the various countries were facing.

I hope as we go forward to make an additional point to my colleagues—and I am going to try to explain this a little more articulately and specifically later. The heads of CDC and NIH were separated a long, long ways from what was going on, and they had all sorts of review boards and organizations approving this regimen. It is not like Dr. Satcher and Dr. Varmus were over there in Africa conducting these trials. It was something that Dr. Satcher and Dr. Varmus have responsibility for as leaders of CDC and NIH, but certainly the design was something which came about by virtue of the many U.S. and international organizations trying to figure out how to take care of this terrible epidemic and how to, hopefully, save as many of the young babies as they can from being infected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I will just take a few moments to wind up today's comments on truly an extraordinary nominee of the President and an incredibly gifted and talented medical professional doctor, Dr. Satcher.

I want to just mention at this time and I will read part of an excellent letter that was made available to us. It was written to our friend and colleague, Senator ASHCROFT, from the Morehouse School of Medicine. It is from Dr. Louis Sullivan, who was the Secretary of HHS under President Bush and had a very distinguished career there and has had over the course of his lifetime a very distinguished career.

I will read this part, and I will submit the letter in its entirety for the RECORD:

DEAR SENATOR ASHCROFT: I understand that in a dear colleague letter you recently questioned the ethics and leadership of Dr. Satcher because of his support of AZT trials to reduce perinatal HIV transmissions in developing countries. You also questioned his role in the HIV-blinded "Surveys of Childbearing Women" which started in 1988 and was suspended in 1995. As a biomedical scientist, former Secretary of the Department of Health and Human Services under President Bush, and one who has known and worked with Dr. Satcher for twenty-five

years, I write to respectfully take exception to your assessment of the studies and especially Dr. Satcher. I share the view of the World Health Organization, UNAIDS, the National Institutes of Health and the Centers for Disease Control and Prevention that these studies were ethical, appropriate and critical for the health of babies in developing countries. I also agree with public health leaders at every level of government that the HIV-blinded survey which was started five years before Dr. Satcher entered government were ethical, appropriate and critical during the early phase of the AIDS epidemic. More importantly, I agree with those such as Dr. Sidney Wolfe, of Public Citizen, who, while questioning the AZT trials in Africa, strongly attest to the ethics and leadership of Dr. Satcher and strongly support his nomination for Surgeon General.

Then it goes on in a very, very important way in this letter. I ask unanimous consent that the letter be printed in the RECORD. It gives both the history and the background on these AZT tests and responds to all the various issues that I think have been raised on that particular program.

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

MOREHOUSE SCHOOL OF MEDICINE,
Atlanta, GA, January 30, 1998.

The Hon. JOHN ASHCROFT,
U.S. Senator, U.S. Senate, Washington, DC.

DEAR SENATOR ASHCROFT: I understand that in a dear colleague letter you recently questioned the ethics and leadership of Dr. Satcher because of his support of AZT trials to reduce perinatal HIV transmission in developing countries. You also questioned his role in the HIV-blinded *Surveys of Childbearing Women* which started in 1988 and was suspended in 1995. As a biomedical scientist, former Secretary of the Department of Health and Human Services (DHHS) under President Bush, and one who has known and worked with Dr. Satcher for twenty-five years, I write to respectfully take exception to your assessment of the studies and especially of Dr. Satcher. I share the view of the World Health Organization (WHO), UNAIDS, the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) that these studies were ethical, appropriate and critical for the health of babies in developing countries. I also agree with public health leaders at every level of government that the HIV-blinded survey which was started five years before Dr. Satcher entered government were ethical, appropriate and critical during the early phase of the AIDS epidemic. More importantly, I agree with those such as Dr. Sidney Wolfe, of Public Citizen, who, while questioning the AZT trials in Africa, strongly attest to the ethics and leadership of Dr. Satcher and strongly support his nomination for Surgeon General.

In 1994 scientists in the United States found a regimen using the drug AZT that dramatically reduces the transmission of the HIV virus from mothers to newborns. As a result of this breakthrough, perinatal AIDS transmission in the United States has dropped by almost half since 1992. Naturally, such an advance raises hopes of making dramatic reductions not only in the developed world, but in developing nations, where 1,000 babies are born each day infected with HIV.

Unfortunately, it is generally agreed that the regimen that has worked so well in the United States is not suitable for these developing nations. Part of the problem is that the cost of the drugs involved is beyond the resources of developing nations. In Malawi, for example, the regimen for one woman and her child is more than 600 times the annual per capita allocation for health care.

Just as important, developing nations lack the medical infrastructure or facilities required to administer the regimen, which requires (1) that women undergo HIV testing and counseling early in their pregnancy, (2) that they comply with a lengthy therapeutic oral regimen, and (3) that the anti-HIV drugs be administered intravenously at the time of birth. In addition, mothers must refrain from breast feeding; the newborns must receive six weeks of oral drugs; and both mothers and newborns must be closely monitored for adverse effects of drugs.

Given the general recognition that this therapy could not be widely carried out in developing nations, the WHO in 1994 convened top scientists and health professionals from around the world to explore a shorter, less costly, and less complicated drug regimen that could be used in developing countries. The meeting concluded that the best way to determine efficacy and safety would be to conduct research studies that compare a shorter drug regimen with a placebo—that is, no medicine at all.

After the New England Journal of Medicine (NEJM) published its editorial criticizing the AZT trials in developing countries, two of the three AIDS experts on this editorial board resigned in protest because they disagreed. Many other outstanding biomedical scientists and ethicists have since taken issue with the NEJM editorial.

As one who feels strongly about what happened in Tuskegee, let me say that it is utterly inappropriate to compare these trials with Tuskegee where established treatment was withheld so that the course of the disease could be observed while these men died. The AZT trials being carried out in developing countries are for the purpose of developing treatment that is appropriate, effective and safe to prevent the spread of HIV from mother to child. Unlike Tuskegee, these programs have a very strong informed consent component.

Likewise, I do not believe that your criticism of the blinded-surveys of childbearing women is inappropriate. These surveys, which started in 1988, five years before Dr. Satcher came to government, were supported by public health leaders at every level. They were considered to be the best way to monitor the evolving epidemic during that very difficult period when we knew so little of the nature of the problem and virtually no treatment was available. These surveys use discarded blood from which all indentifying information had been removed, to measure the extent of the HIV problem in various communities and groups. The information was invaluable to state and local communities in planning education and screening programs. Using these surveys we were able to document that the percentage of women infected with HIV grew from 7% in 1985, to almost 20% in 1995. At no time was any baby, known to be positive for HIV, sent home without the parent being informed.

Again, I acknowledge your right to criticize Dr. Satcher, the nominee for Surgeon General. But, I believe that Dr. Satcher's long and distinguished career speaks for itself relative to his commitment to ethical behavior, service to the disadvantaged, to excellence in health care and research and to human dignity.

Should you wish, I would be happy to review any of the areas where there is any remaining confusion or questions.

With best wishes and regards, I am

Sincerely,

LOUIS W. SULLIVAN, M.D.
President.

Mr. KENNEDY. Mr. President, in another letter from Dr. Sullivan to Senator LOTT that was made available to all the membership, he said:

I enthusiastically support the nomination of David Satcher, M.D., for the positions of Surgeon General and Assistant Secretary for Health of the Department of Health and Human Services.

In light of the recent debate about issues regarding his nomination, I wish to communicate with you my experience with, and opinion of, David Satcher. I have known David for over twenty-five years, and I can state unequivocally that he is a physician. . .of [extraordinary] integrity, conviction, and commitment. As Surgeon General and Assistant Secretary of Health, I know that David has no intention of using those positions to promote issues related to abortion or any other political agenda. He has worked throughout his career to focus on health issues that unite Americans—not divide them.

And the letter goes on.

Both of these letters are from a very, very distinguished leader of the Department under President Bush and someone who has made, in his own way, an extraordinary contribution to public health and to health policy generally. Someone who has known Dr. Satcher for a long period of time should have a very important influence, I would think, and weight with our colleagues.

I just mention, finally, Mr. President—and I am sorry my friend from Missouri is not here, Senator ASHCROFT. He talked about the State surveys that were taken, and he was highly critical of the State surveys.

It has been brought to my attention that the surveys went into effect in 1988, and then were concluded in 1995. Dr. Satcher came to the Centers for Disease Control—started under a Republican administration. But it is interesting that Senator ASHCROFT was Governor of Missouri during this period of time, and he signed on for these various State surveys, and supported them.

It just has to have somewhat of a ring here today as we are considering these surveys and as the point is being raised about how effective or how wise these surveys will be, that the person who is raising this and the most critical is someone who was a Governor of a State that actually endorsed and signed the applications. I do not think it is necessary, but we will have those available for the RECORD tomorrow.

I think this is just, again, interesting. If these are the best cases that can be made against someone who has such a distinguished record, such a powerful life record in terms of the public interest and service, then we should be about the business of moving ahead and supporting this nomination.

We look forward to the further debate. I am puzzled about where those

are that have the serious reservations. We have been out here ready to debate this record. We look forward to debating it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise today to speak in favor of the nomination of Dr. David Satcher to the position of Surgeon General. As many colleagues have noted, he is exceptionally well qualified for this position. He has been involved, throughout his professional career, in a very broad range of health issues and has championed improvements in all the areas that he has been involved with.

I find it somewhat unusual that this appointment to an important position, though not a Cabinet-level position, seems to always attract such debate and such controversy. Certainly, we want someone with real leadership skill to serve as the Surgeon General; but why, time after time, do we find ourselves embroiled in a debate over who that person might be? Some critics will say it is the fault of President Clinton for bringing names before the Senate that are so controversial. Yet, I think if history serves me correctly, I believe Dr. Koop, an appointee of President Reagan's, was a controversial nominee. Dr. Koop caused a lot of people some concern. He had some rather strongly held personal views on a controversial issue, the issue of abortion. The Democratic-controlled Congress wrestled with his nomination and came to the conclusion that Dr. Koop's medical credentials and in the area of public health were so compelling that he should be given a chance to serve, even though a majority of the Democrats might disagree with his position on the issue of choice or abortion. It is a good thing we did because, despite our differences with Dr. Koop on that issue, he proved to be an exceptional leader on public health issues for America. In fact, some of the initiatives that Dr. Koop really spearheaded, I think, were so timely and so important that history will treat him very kindly. For example, alerting America at that moment in time to the dangers of HIV/AIDS was a controversial thing to do. Yet, he did it with the approval of the Reagan administration, at a time when it was appropriate. I think lives were saved as a result of that. So I have always drawn from the experience of Dr. Koop, who has become a friend of mine on the tobacco issues, that you should not judge a person on one life experience or one issue, but you should look at the totality of the circumstances, look at their values and principles and try to determine whether or not that person, man or woman, can do the job.

That is why it is easy today to rise in support of Dr. David Satcher to fill the spot as our Surgeon General of the United States. Some of the areas he has worked in have been extraordinary. From increasing childhood immunization rates, to improving breast and cervical cancer screening, Dr. Satcher has been a leader.

I want to focus on one aspect of his work at the CDC, in improving the Nation's food safety programs. Make no mistake—and I want to underline this, if I can—America is blessed with the safest and most abundant food supply in the world. You need only travel to any other country and take a look at the alternative to appreciate what I have just said. But we can do better.

The General Accounting Office estimates that as many as 33 million Americans will suffer food poisoning this year, and more than 9,000 will die from it, primarily infants and elderly people. The annual cost of foodborne illnesses in this country may rise to as high as $22 billion a year.

Since 1993, the CDC, under Dr. Satcher's direction, has played a critical role in modernizing our food safety programs and responding to challenges created by the large amount and variety of food now available in the United States.

As part of this effort, the CDC has led rapid response to outbreaks of foodborne illnesses, conducted research into the cause and transmission of foodborne illness, and expanded outreach to health officials and the public on treatment and prevention of foodborne illness.

The Department of Health and Human Services predicts that foodborne illnesses and deaths are likely to increase 10 to 15 percent over the next decade. Such estimates make increased vigilance even more important. Both early detection and rapid response are critical to minimizing health hazards from unsafe food.

Building on these efforts, President Clinton announced in January 1997 that the CDC will join forces with the Federal, State, and local agencies on new efforts to improve the safety of our Nation's food supply.

CDC and Dr. Satcher have played a key role in the new early warning system to help try to catch and respond to outbreaks of foodborne illness earlier and to give us the data we need to prevent future outbreaks.

In 1995, the CDC, with the FDA, Department of Agriculture, and State health departments, established this network of "sentinel" surveillance sites in five States that conducted in-depth surveillance for foodborne illness and related epidemiological studies.

Since becoming operational in 1996, the network already has identified an outbreak of salmonella caused by contaminated alfalfa sprouts and an outbreak of E. coli from lettuce.

I hope we can do more. We need a Surgeon General in place who is sensitive to that need. I think that we can start to consolidate under one Federal agency the many disparate Federal agencies that now try to keep our food supply safe. Isn't it a curious thing that when you take something as common as an egg, and if that egg is broken and served as a product, it is the jurisdiction of the Food and Drug Administration. If that egg remains in the shell and is sold as a product, it is the jurisdiction of the Department of Agriculture. Consumers have to shake their heads in wonderment that we would make such arbitrary distinctions between products which families view as the same thing, as far as they are concerned. It calls for leadership not only in the Department of Agriculture, the FDA, the Environmental Protection Agency, the Department of Commerce, and many other agencies, but it calls for the leadership of a Surgeon General, and that vacancy should be filled by Dr. Satcher, sooner rather than later.

Dr. Satcher, as head of the Centers for Disease Control and Prevention, has dramatically expanded the CDC's landmark "National Breast and Cervical Cancer Early Detection Program," which offers comprehensive breast and cervical cancer screening services to medically underserved women nationwide.

Prior to Dr. Satcher's tenure and leadership at CDC, 18 States had the program. Today, all 50 States do, as well as 5 U.S. territories, and 13 American Indian/Alaskan Native organizations have programs. This expansion was based on strong scientific evidence showing that breast and cervical cancer screening can save women's lives.

As of 1996, more than 1.2 million cancer screening tests were provided by the program. There are some critics of Dr. Satcher who might dwell or focus on one or two controversial things. I hope they will judge the man in his totality, and that they will judge his contribution fairly, because if you look at his work in public health, it is truly extraordinary.

There is one area I would like to speak to that has been brought up on the floor, and I would like to close with this. Some have been critical of the efforts by the Centers for Disease Control to address the whole issue of firearm injuries in the United States. Many believe that this is entirely too political for an agency that is supposed to be dedicated to public health. I disagree. Over 38,500 Americans are killed each year with firearms in America; 17,800 homicides; 18,700 suicides; 1,300 unintentional deaths; 5,800 children

and teenagers die in America each year from firearm injuries; they are the leading cause of death among African American teenagers and the second leading cause of death among white teenagers.

In the city of Chicago, IL, there is a hospital that we all admire so much, Mount Sinai. Next to it is a facility known as the Schwab Rehab Institute. Mount Sinai Hospital is in a tough neighborhood. In fact, a visit there on any weekend evening would be a sobering experience for all of us, because the people who come in there, the victims of dramatic injury and gunshot wounds, unfortunately, are in great number. Those physicians, nurses, and medical personnel scramble to do their best to try to keep these people alive. They manage, in many cases, to do that, and it takes the miracle of medicine to do it. Those folks might find themselves, a few weeks or months later, across the street at the rehab institute, Schwab Rehab, where I visited a few times to speak to victims of gunshots, and to talk to men in wheelchairs, paraplegics and quadriplegics, who will never have a chance to enjoy full physical mobility, because they were so victimized. It is not a surprise to me that many of the Nation's largest medical organizations and physician groups are now starting to focus on firearm injuries as a national epidemic —not only because of their number, but because of the severity of injury that is suffered. What day goes by in a major city in America where we don't hear or read about some innocent victim, many times a child waiting for a school bus, or a child who is out front playing on a bicycle, who is sprayed by random bullets and becomes a victim and is perhaps even killed? In that situation, we should step back and say, what can we do not just to treat the injury, but to reduce the likelihood that that injury will occur.

I think the CDC, which really tries to improve public health across America, should include firearm injuries on the agenda. I am happy that Dr. Satcher feels the same way, and I hope CDC does not relax its efforts in this area in any way whatsoever.

Finally, let me say, over the years, I have worked with the CDC on the issue of tobacco and tobacco-related diseases. They have really been leaders. They have brought out sound, credible evidence of the devastation caused by tobacco in America. They have talked about what we need to do to reduce what is the No. 1 preventable cause of death in America from occurring. I think the CDC has that responsibility.

Our Surgeon General, in the past, has exhibited the same kind of leadership. We have seen those men and women come forward to the post and try to identify those issues that are important to Americans. Some friends of mine are managers of television stations. Since most of us spend a lot of our waking moments watching television, I sometimes say to them, "When you are scheduling your programming for television, what do you look for? What are people interested in? What are American families anxious to watch and hear about?" An interesting thing has occurred over the last 10, 12 years. You will notice it if you watch the news tonight, or any other night for that matter, or any morning. Americans are interested in public health issues. They are primarily interested in breakthroughs in medical discoveries. You see it every day. Since talking with this one station manager in Decatur, IL, 10 years ago, I have been focusing on it. Most news programs include a story about medicine. America's families want to hear what we know and what we can share with them that might improve the quality of their lives. I think that is an indication of why this debate over the appointment of the Surgeon General is so important, and why we should not delay it or in any way sidetrack this debate over some tangential political issue. What is important is that we put a person of quality in this position, who can address the important public health challenges facing America. I think that is our responsibility here.

Let me tell you, after reviewing his background, I think there is nobody better qualified for that position than Dr. David Satcher. I am happy to support his nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I rise this afternoon not just in support of but in strong support of the nomination of Dr. David Satcher to be Surgeon General of the United States.

I also want to state that I have a personal prejudice because I have worked closely with Dr. Satcher over the last 5 years since he became head of the Centers for Disease Control.

There is a current cute saying making the rounds in Washington, and unhappily it is true. This is the only nation on Earth where a person is presumed innocent until they receive a Presidential nomination.

We have had a lot of contentious debate on this floor about various nominations. I have not participated in many of those debates. But I am participating and I will continue to participate in the nomination of Dr. Satcher because I think he is one of the finest medical people in the United States. I also happen to think that he is one of the finest men, one of the finest people in the United States. I believe that the President could not have chosen better for this position.

Mr. President, it is a real travesty to me that people who want to serve their Government in a position such as this are subjected to such a contentious process. Admittedly, the position of surgeon general doesn't have a lot of clout, but it does have a lot of public relations value. There are a lot of public appearances made by the Surgeon General. They take a lot of different positions on medical techniques and medical practices in this country. In some respects, I can sympathize with the Senator from Missouri who is opposed to this nomination, apparently based on Dr. Satcher's presumed feelings about the issue of partial-birth abortion. I happen to agree with Dr. Satcher on partial-birth abortions, but I recognize it is a very, very difficult moral question for everyone. I also have to confess to the Senate that I voted against Dr. Koop's confirmation to be Surgeon General because of his position on that issue, and have lived until this day to regret my vote because he turned out to be one of the greatest surgeon generals this country has ever had. I didn't know Dr. Koop. If I had known him maybe I would have voted differently.

I do know Dr. Satcher in a very personal, intimate way because I have worked closely with him for 4 years. But aside from that, I ask my colleagues to look at his credentials. Look at the life of this African American who has risen from a poor rural community to become prominent, to become a role model. He went to Morehouse College, the same school Dr. Martin Luther King graduated from. Do you know what he did there? He was Phi Beta Kappa, which means that intellectually he was superior; a good student. From there he went on to get his MD and Ph.D. from Case Western Reserve in Cleveland. He did that in 1970, and then went into a career of academic and public health medicine.

So far that is pretty impressive, is it not? A man who has spent his entire life since 1970 in public health and was a Phi Beta Kappa with the highest degrees you can get in medicine. After he graduated he served on the faculty at the UCLA Medical School, and as Dean of Family Medicine at King-Drew Medical Center in Los Angeles. He was then appointed president of Meharry Medical College in 1982. He was President of Meharry Medical College until 1993 until President Clinton chose him to head up the Centers for Disease Control, an agency to which we turn time and time again every year. Whether there is an EColi breakout, or a virus breakout in Africa, or whether it is mad cow disease in England, or whether it is an avian flu virus in the chickens of Hong Kong, it is the Centers for Disease Control who the world calls on, and they respond. They respond always in a very professional and effective way.

I don't know what else may be involved in this, other than partial-birth abortions. I have heard that some people take exception to the role of the

Centers for Disease Control in conducting research in developing countries aimed at reducing transmission of HIV from pregnant mothers to newborns through AZT therapy. Let me say, first of all, that tests to measure the effectiveness of long-term AZT therapy on pregnant women were started long before Dr. Satcher came to the Centers for Disease Control. Let me also say those tests were expanded upon to measure the effectiveness of short-term drug therapy, because the public health infrastructure in Africa could not support the longer-term regimen. Getting AZT to pregnant African women during their entire pregnancy was almost impossible because of logistics. It was just not practical. The short-term regimen provides massive doses to pregnant women just before they deliver. And it is this short-term approach that holds out hope for the thousands of HIV-infected children who are born in Africa each week. In every experiment, the health ministers of each African country in which the trials were conducted approved the study design.

But whether you like that or whether you do not like that, or whether you don't think the tests should have been conducted, or if they were not conducted correctly, the entire process started long before Dr. Satcher came to CDC. And the process was a joint effort of NIH, CDC and the World Health Organization. And what difference should it make when we consider the nomination of this outstanding candidate for the post of surgeon general?

Mr. President, there is also controversy on the question of preventing AIDS transmission through needle exchange and on the issue of making condoms available in public schools. Regarding the former, Dr. Satcher has said that science rather than politics should determine our policy. On the issue of condoms, Dr. Satcher has stated that such decisions should be made in local communities by parents, teachers and community leaders. Who here can disagree with those positions?

Mr. President, on the issue of partial-birth abortion, the American Medical Association came out and said they are opposed to it but here is what they say about Dr. Satcher.

The American Medical Association continues to enthusiastically support Dr. David Satcher . . ." [The surgon general's office] "has been vacant far too long," [and] "the American public needs a credible voice they can turn to in times of a public health crisis. . . . We urge Congress to look at the totality of Dr. Satcher's expertise and experience. He is a physician, administrator, educator, and outstanding public health leader.

Why is it we turn to the agencies like the AMA when we agree with them and want to ignore them when we don't agree with them?

Mr. President, I want to go back to say that Betty Bumpers, my wife, and I have devoted a large part of our public life, which now spans 27 years, to improving the immunization of children. It was Betty's idea. It was not mine. And until this day she is extremely active. She and Roslyn Carter have their own program, and have had it for 7 years, called "Every Child by Two." They go around the country and work with Governors and community groups to educate parents and providers on the importance of immunizing our young children by age 2. I have paid close attention to CDC's immunization program ever since I came to the Senate, and over the past 5 years under Dr. Satcher's leadership, our Nation has achieved the highest immunization levels and the lowest rates of childhood disease in our country's recorded history. What parent in the United States wouldn't take great pride in that achievement? What Senator would not applaud Dr. Satcher for the role he has played in eradicating polio from the Western Hemisphere? Who would not applaud Dr. Satcher's efforts to eliminate polio in Africa? The elimination of polio in the United States alone saves the taxpayers of this country $250 million a year. He had whooping cough when he was a child. It made an indelible impression on him, and it was the reason he went into medicine.

So when I think of the many conversations and meetings I have had with Dr. Satcher in my office, he is always at the highest professional level. I have never heard him utter a statement that didn't reflect credit on him personally and didn't reflect credit on his total commitment to the health of the people of the United States. What in the name of God else do you want—would we reject a man who came up from nothing to become one of the preeminent medical people in this country simply because we disagree with him on one or two things?

I notice people who do not want Washington telling them what to do often want Washington to tell the rest of the country what to do. If an atheist invented a cure for cancer, would you refuse to take it because he was an atheist? Of course you wouldn't.

That is the kind of logic we are confronted with here because you may disagree on a policy that really is not a policy. You want to deprive this man of the post that the President nominated him for. And what did he say in answer to a letter from Senator FRIST from Tennessee? What did he say to Senator FRIST about the issue of partial-birth abortion? I see Senator FRIST on the floor. He knows exactly what he said and it is this:

Let me say unequivocally that I have no intention of using the position of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda, and I want to use the power of these positions to focus on issues that unite Americans—not divide them. If confirmed by the Senate, I will strongly promote a message of abstinence and responsibility to our youth, which I believe can help reduce the number of abortions in our country.

Where can you find a more noble or professional statement than that?

I say to my colleagues: Let us not divide ourselves over an appointment of this importance and destroy a man who has devoted his entire life to the well-being of the children of this country as well as its adults.

I yield the floor, Mr. President.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. LEAHY. Mr. President, there are many reasons to support the nomination of Dr. David Satcher for Surgeon General. An experienced physician, Dr. Satcher has distinguished himself as the Chairman of the Morehouse School of Medicine, the President of the Meharry Medical College, and most recently as the Director of the Centers for Disease Control and Prevention (CDC). In recognition of his achievements, Dr. Satcher recently received the Surgeon General's Medallion for significant and noteworthy contributions to the health of the Nation.

Heading an agency with 11 major branches and responsibility for promoting health and preventing disease, injury and premature death is no easy task. Since 1993, Dr. Satcher has met the challenge with initiative, poise and professionalism. Under his direction, the CDC has been instrumental in increasing childhood immunization rates, reducing vaccine-preventable childhood diseases, and improving national and international defenses against food-borne illnesses and infectious diseases.

Under Dr. Satcher's leadership, the CDC has done its best to respond to the threat that infectious diseases like tuberculosis, influenza, AIDS and malaria pose to Americans and people everywhere. In 1994, the CDC introduced a strategy to improve early disease detection, surveillance and outbreak containment worldwide. The CDC is also developing and implementing new diagnostic tests and prevention guidelines, and providing training, equipment, and supplies for public health personnel and national and international institutions.

The U.S. has a central role to play in the international fight against infectious diseases. By providing $50 million to strengthen global surveillance and control of infectious diseases in the fiscal year 1998 Foreign Operations Appropriations Bill, Congress clearly indicated the urgent need for U.S. leadership in this area. As Surgeon General, Dr. Satcher would be able to bring together U.S. agencies such as the CDC, the Agency for International Development, the Department of Defense and the National Institutes of Health in a united effort against emerging, re-

emerging and endemic diseases. He would also provide an important link to the World Health Organization and the health ministries of foreign governments.

Mr. President, I am confident that Dr. Satcher would bring the same degree of dedication, commitment, and vision to the position of Surgeon General that he has to the CDC. If Dr. Satcher is confirmed, and I hope he is, I look forward to working with him in the fight against infectious diseases.

Mr. ALLARD. Mr. President, I ask unanimous consent to go into morning business for a period of 45 minutes, that my comments be placed at the appropriate place in the RECORD, and that Senator ENZI's comments follow my comments.

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

The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair.

(The remarks of Mr. ALLARD and Mr. ENZI pertaining to the introduction of S. 1608 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I rise today in strong support of the nomination of Dr. David Satcher to the positions of Surgeon General and Assistant Secretary for Health.

I commend the President for selecting him to serve as a voice for the Nation's public health needs and goals. Dr. Satcher is a renowned physician, scholar and public health leader. During his tenure at the Centers for Disease Control and Prevention, the Nation saw a dramatic increase in childhood immunization rates as well as an increased capacity to respond to and detect emerging infectious diseases. In addition, while under Dr. Satcher's leadership, the CDC placed a significant emphasis on prevention programs, including efforts to screen low-income women for breast and cervical cancer. I also applaud his quest to protect the health of our Nation's children by supporting research into prevention of deaths and injuries from gun injuries.

Dr. Satcher, as has been noted on numerous occasions, is a remarkable individual of distinguished accomplishment. This Nation will be richer and better off were he to fill the job of Surgeon General and Assistant Secretary of Health.

I am distressed that there are some who want to make another issue of Dr. Satcher's nomination. There are those who would argue that there is no need for a position of Surgeon General. That has been raised in the past. I think that is a legitimate debate, although I happen to believe that having an Office of Surgeon General has been tremendously valuable to this country, having someone who can speak on behalf of the Nation in a clear voice about issues of national concern. No one better epitomized that role than Dr. C. Everett Koop, who led the Nation on numerous health care issues over the years, speaking very clearly. To this day he plays a very important role as a former Surgeon General of the United States.

The position of Surgeon General has been vacant since December of 1994. We are now going to the fourth year not having filled this position. That is inexcusable. This Nation deserves to have a Surgeon General.

As I said a while ago, if there are those who want to eliminate the position altogether, then offer legislation that will do that. But we have a position that needs to be filled, a position that can play an important role, as shown by various Surgeons General over the years, leading this Nation in the debate on health care issues. So I hope within the coming days here we can complete this nomination process and send it to the President and allow Dr. Satcher to assume the job of Surgeon General and Assistant Secretary for Health.

Mr. President, parliamentary inquiry. I have a bill I want to introduce. I inquire as to whether or not it would be permissible for me to do so in this debate?

The PRESIDING OFFICER. The Senator will be permitted to do so should the Senate, by unanimous consent, consent to that act.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD, Mr. KERREY, and Mr. BINGAMAN pertaining to the introduction of S. 1610 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Madam President, may I inquire as to the state of the proceedings? What is the position of the Chamber?

The PRESIDING OFFICER. The Senate is in executive session and is considering the nomination of David Satcher to be Surgeon General and Assistant Secretary of Health and Human Services.

Mr. ASHCROFT. Thank you, Madam President.

I rise to continue my debate with respect to the nomination of Dr. David Satcher, a nomination for two positions, that of U.S. Surgeon General and Assistant Secretary for Health.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ASHCROFT. Thank you, very much.

Madam President, there has been some considerable discussion today surrounding the ethics of the Centers for Disease Control and the studies that they have conducted regarding the transmission of AIDS from mothers to newborns—those studies having been conducted not here in the United States, but having been conducted in the underdeveloped countries of the world.

These studies were conducted and have continued to be undertaken under the auspices of the Centers for Disease Control, under their authority and during the time which Dr. Satcher has had responsibility for the Centers for Disease Control.

It is troublesome to me that a number of these studies have not really provided the same kind of guarantee in terms of the care which would be accorded to individuals if those individuals participating in the study were in the United States. Basically what I am saying is that the studies were conducted in such a way that they would probably be unacceptable in the United States of America.

A disregard for individuals who participate in clinical trials or medical studies is, unfortunately, something that we have had problems with before. Not long ago, the United States apologized to a number of individuals who are part of what was called the Tuskegee experiment because the participants in the study had simply been left without treatment as doctors watched the progression of the disease.

I think the Nation's conscience was shocked as a result of the fact those conducting the experiment were interested in scientific data that could be developed by watching people suffer and die. It was troublesome that we would somehow decide we could allow people to have been involved in that kind of experiment. When we discovered the nature of the Tuskegee experiment, the country was shocked and saddened by what had occurred.

What was even perhaps more shocking is that after we had been through all the problems in assessing the difficulties of Tuskegee, there were revelations about these studies in Africa. The Boston Globe, on the 18th day of May of 1997, published an article entitled "An apology is not enough." The article stated that "Even as the President laments the Tuskegee experiment,

the United States is conducting questionable research in Africa." This particular article—while it does not purport to say that the African research is similar in every respect to the Tuskegee situation, did point out that there are some real problems with what is being done in Africa. One of the problems is that in Africa individuals who are a part of the study are not given the best known medical help. They are not being accorded medical treatment which would be required by ethical standards. They were given, however, sugar pills or placebos in the face of a virtually always fatal virus. They were given capsules which had no real medicinal value.

This was so shocking to the medical community and individuals who cared about medical ethics that it found its way into the editorial pages of the Massachusetts Medical Society's journal, the New England Journal of Medicine. The New England Journal of Medicine is the most widely respected medical journal in the world. Virtually no major announcements of medical import are made in the United States without appearing in the New England Journal of Medicine. The New England Journal of Medicine is prudent with regard to what it publishes. The Journal does not publish medical findings just because they have scientific value. It is alert to the dangers of science which would cause people to set aside ethics.

For instance, in an editorial of the Journal's, the publication states clearly that reports of unethical research will not be published, regardless of their scientific merit. You could have reports that would be very valuable scientifically, but they could be unethical. You could probably learn some things by watching people die without treatment, and that data would be valuable scientifically. As a matter of fact, that is what happened in the Tuskegee setting. But it was clear that kind of experiment was wrong and improper. This medical journal takes a stand against that. It says it refuses to publish reports, even if they are scientifically meritorious, if those reports are the result of unethical research.

Now, the research which was conducted in Africa was controversial for a couple of reasons. The first point of contention was the use of the placebo, or the sugar pill that doesn't have medicine, as part of the study. The New England Journal of Medicine indicates clearly, "Only when there is no known effective treatment is it ethical to compare a potential new treatment with a placebo." In other words, if you know that you can do absolutely nothing, there is no known way to cure something, no known way to impair or stop the progress of a disease, then you are allowed to try something and measure it against nothing—which is basically the placebo. But when you know, in fact, that there is something that works, it is unethical, according to the New England Journal of Medicine, to use a placebo against some other proposed remedy.

I think that is the reason the New England Journal of Medicine took exception with the CDC studies, particularly as it related to the Ivory Coast. Prior to the time of these studies it was pretty clear that a regimen had been developed which had been effective in substantial measure in curtailing the transmission of the HIV virus from women to their children. As a matter of fact, the AZT treatment is called the AZT 076 regimen. That regimen has had pretty good results. Normally in newborns, 25 percent of those that are born to mothers with HIV carry the HIV virus themselves. But the studies indicated that if you followed the AZT regimen, the AZT 076 regimen, instead of having 25 percent, or 1 out of every 4 children emerge with the HIV virus, that you could cut it down to 8 percent. So from one-quarter of all the babies, 1 out of every 4 babies, to 1 out of every 12 babies. Now that is a substantial improvement. It is a clear demonstration, accepted by medical authorities, that it is a regimen of treatment that has promise, it is effective, and it is worth doing.

So when you go to Africa to conduct a study, to do it ethically, according to the New England Journal of Medicine, it would require that individuals in the study compare proposed new treatments not with a placebo, but since there is a known effective treatment, new treatments would have to be compared against the known effective treatment.

I quote from the New England Journal of Medicine: "Only when there is no known effective treatment is it ethical to compare a potential new treatment with a placebo." Now, what we have in the studies in Africa is the comparison of a known effective treatment with a placebo. This is not appropriate. Only when there is no known effective treatment is it ethical to compare a potential new treatment with a placebo.

In reaching this conclusion—this isn't just the opinion of the editorialists at the New England Journal of Medicine. They cite the Declaration of Helsinki of the World Health Organization as providing what is widely regarded as the fundamental guiding principles of research involving human subjects. In research on man, they say, "The interests of science and society should never take precedence over considerations related to the well-being of the subject," and "In any medical study, every patient, including those of the control group, if any, should be assured of the best proven diagnostic and therapeutic method."

It is pretty clear that the best, proven diagnostic and therapeutic method is not the placebo, not the sugar pill. The best, proven therapeutic and diagnostic method is the 076 regimen, which cut the transmission rates from 1 out of every 4 to 1 out of every 12 infants infected with HIV. That is a substantial cut. I think it is always important for us to understand that we are talking about a nearly always fatal virus. We are not talking about a situation where maybe a few more people are threatened. The HIV virus, as it ultimately develops into a condition known as AIDS, is a final and fatal condition. So I don't think it behooves us to take it lightly. As a matter of fact, medical authorities have not taken it lightly.

I will just point out that even those individuals who were involved in the very discovery of AIDS and the transmission of AIDS in the birth process do not take it lightly. As a matter of fact, studies of intensive treatment of AZT ended in 1994, just as soon as it was shown that the drug sharply reduced HIV transmission to infants. Four years ago, we made it clear that the use of the placebo was over. You would not be doing placebo-based tests any longer, because it had been demonstrated that the drug sharply reduced transmission of the virus from mothers to their babies. That is from the New York Times article, "AIDS Research in Africa; Juggling Risks and Hopes."

The Third World studies, however, were in progress in 1995. They continue to be in progress. Apparently, they were ongoing as of late January. Now, the CDC provided funding for the studies on the Ivory Coast. The study was simply designed to determine whether a new course of AZT—a short course, as opposed to the 076 regimen—whether that new short course would have an impact of curtailing the virus in the children born to HIV-infected mothers. As we indicated before, the 076 course cuts transmission of HIV from 25 percent of all infants down to 8 percent of all infants, or approximately a two-thirds reduction. The studies were designed to determine if a smaller dose of AZT would have any impact.

CDC decided to use a technique known as the placebo controlled study, and it was their methodology of choice. Now it seems to me that we have a clear problem here, and that is that we have an ethical standard for a medical test and trial that says you don't use placebos when there are effective known treatments. You have had a clearly established treatment since 1994, recognized in the United States as a treatment that is effective in reducing the incidence of HIV in new-born infants by two-thirds.

One of the reasons that the CDC chose to move forward with the placebo-based trials is that the trials are well understood to be very informative scientifically. Those who have come to the floor of the Senate on repeated occasions during the day have talked

about how wonderful this was to get this information. I really don't want to get into a big argument about whether or not you can get good scientific data in trials where you let people die because you give them sugar water or sugar pills instead of real medicine. I think it is very likely that you can get good scientific data. I think it is very likely that the outcomes of your tests will be scientifically valid. You can prove that certain kinds of therapies are better than sugar and water. But we are not here just to find out what could be scientifically advantageous. I think it is important that we remind ourselves of that.

There were scientists who thought they learned a lot from the Tuskegee studies. The mere existence of advantageous or helpful data at the end of a test or the mere facility with which scientific data can be collected doesn't really determine what the standard should be for us. The standard should be that we have our tests conducted in a way that is consistent with the ethical standards and with the requirements that have not only been developed for the United States, but are recognized in the international community.

Among the guidelines in the international community for tests that are clinical and designed to inform our health care procedures is a guideline that says you should never test in a culture what the culture is totally unlikely to be able to implement. In other words, one culture is not allowed to go to another culture that isn't ever going to be able to use the therapy and say, "We are going to use you as guinea pigs, we don't want to endure this on our own."

There is another standard that is relevant, whether we are talking about Helsinki or a number of the other codes. We have the Helsinki Declaration; the Nuremberg Protocols; the WHO Guidelines developed in Geneva—a variety of guidelines. Another one of these ethical standards is that you should not test for a therapy in a country that can probably never use it. And you should not test where the cost of using a therapy will make it virtually inaccessible.

That is one of the reasons that I think individuals want to support what was done by the Centers for Disease Control in this situation. They want to say, well, the 076 regimen is very expensive, therefore, it could not be part of a test to discover a less expensive regimen. It's important to understand that it is the expense of the outcome, the therapy that you are seeking to develop that should define whether or not a country or a society would be able to use it. It's not the expense of conducting the test that is the key issue, but the expense of using the therapy after the test is over. Unless the proponents of these tests want to argue that they were really hoping that sugar pills, which are very cheap, would be the ultimate therapy, they have to say that the ultimate therapy they were proposing is approximately the $50 therapy that CDC was experimenting with, which was the short course, or more confined schedule of administering AZT. That is a $50 dose. The 076 regimen, already proven effective, is an $800 dose. There is a big difference.

The point I make is that what you are seeking to test in the country is not the $800 dose. That has already been established. That was established in the United States, and it was established in France. What you are seeking to test is not the placebo. We all know that is useless and worthless. You don't even have to be a medical practitioner. That is understood. What you are testing is the $50 dose. And so you have to ask yourself the question, is the $50 dose something that might someday be available and utilized there? If it is, that is the test. It doesn't change the need to treat people humanely in seeking to provide a basis for using that $50 test.

So what we really have here is a question of whether or not the United States Centers for Disease Control treated individuals in Africa with the same kind of respect that they would have treated individuals in the United States. The real question is whether or not they followed the guidelines which require us to treat individuals as distinct and different from the way we would treat, say, laboratory animals where we might disregard their health and safety.

Of course, the New England Journal of Medicine says when effective treatment exists a placebo may not be used, and it cites the Declaration of Helsinki saying that any medical study of patients, including those of a control group, should be assured of the best proven diagnostic and therapeutic method.

I don't think there is any other way of saying it. No matter how thin you slice this, it is still baloney. It is clear that the placebo is not the best therapeutic method. It simply cannot be categorized as the best therapeutic method, which is the method, according to the New England Journal of Medicine, that participants in the study are required to have.

This afternoon I took the time to go through the assurance of protection document entered into by the Ivory Coast and the CDC that lays out the guidelines, principles, and procedures that the parties agree to follow in the research. I believe that in the assurance of protection document mention was made of the Declaration of Helsinki.

In biomedical research, involving human subjects and international ethical guidelines for them, the protection document states that research must be conducted in accordance with established international standards for protection of human subjects—for example, the Declaration of Helsinki, or CIOMS. Those are examples. But it says we must live in accordance with those established international standards.

The signature page for the relevant officials says that the research will be conducted in accordance with the established international standards for the protection of human subjects.

It is kind of interesting that the assurance of protection was not obtained until July of 1997, according to Dr. Satcher's written responses to questions from the Senate Labor and Human Resources Committee. We were dealing with these individuals in the Ivory Coast in a way which did not even provide them with a guarantee of the protections included in the Declaration of Helsinki and other relevant international guidelines. We did not see the guarantees until we had articles appearing in major newspapers in the United States that criticized the African studies—articles which compared them to the Tuskegee experiment.

Dr. Satcher has claimed that the studies complied with all the rules. In the New England Journal of Medicine article with Dr. Harold Varmus of the National Institutes of Health, Dr. Satcher asserts that the NIH and CDC support trials have undergone a rigorous process of ethical review, including not only the participation of the public health and scientific communities in developing countries where the trials are being performed but also the application of the U.S. rules for the protection of human research subjects by relevant institutional review boards.

Dr. Satcher also relies on World Health Organization guidelines developed in Geneva in 1994 as authority for the studies. He said that the CDC chose to use a placebo controlled study because such an approach has been recommended by a WHO conference of international experts, including those from many developing countries.

This World Health Organization conference to which Dr. Satcher refers took place in Geneva in June of 1994. Marcia Angell and Michael Grodin of Boston University criticized the conference recommendation, saying that the CDC and the researchers involved developed the recommendations simply to justify their desire to conduct the AZT trials in Third World countries.

I would like to review some of the international guidelines. It is pretty clear that people around the country and around the world understand that you shouldn't use placebos when there is an effective treatment, particularly if you are conducting a trial that includes victims of deadly viruses.

Again, I mentioned that Dr. Marcia Angell said in the New England Journal of Medicine that only when there is no known effect or treatment is it applicable to compare a potential new treatment with a placebo.

The director of Harvard's Human Subjects Committee has stated that use of placebos would be unethical in such cases. The New England Journal of Medicine reports that in 1994 a researcher at the Harvard School of Public Health applied for NIH funding for an equivalency study in Thailand in which three shorter AZT regimens were to be compared with the regimen similar to the 076 regimen. The journal indicates that the NIH study section pressured the researcher and his institution to conduct a placebo trial, which prompted the director of Harvard's Human Subjects Committee to reply in a letter. The conduct of a placebo controlled trial for AZT in pregnant women in Thailand would be unethical and unacceptable since an active controlled trial is feasible.

So here we have medical authorities resisting efforts by our Government to accept and conduct a trial which is ethically substandard. You have them saying it is unethical; it is unacceptable because there are actively controlled trials that are feasible. Basically this is a reflection for which we can be grateful in the medical community. We don't use sugar pills when we have known capacity for treatment.

I could go through the guidelines as I did this afternoon. I do not want to do this. The point is the simple ethics of the matter come down to this: If there is a known treatment which is a therapeutic treatment it can make a difference. It is unethical instead of giving patients that treatment to provide them with sugar pills, or with placebos. The known treatment is well established. It is well documented in the medical literature. Its availability makes impossible the use of placebo studies in the United States in this kind of setting, and to echo the statements of many experts, I think it should make it impossible in Africa as well.

Some of those who have commended the unethical studies overseen by Dr. Satcher in the Centers for Disease Control have indicated that these are poor people and they will never be able to afford the 076 high-dosage, long-schedule regimen of AZT.

The truth of the matter is this was a study to experiment with lower doses, shorter schedules, and could have been conducted in a manner consistent with medical ethics by using as a control group the 076 regimen. There are medical authorities that will provide testimony to that extent.

The truth of the matter is that we would not do in the United States what we did in Africa. And I think that is an important point.

Dr. George Annas, a bioethicist and professor of health law at Boston University, and health law professor Michael Grodin have criticized the AIDS work in Africa not only on the basis of the placebo but they said that these studies with lower ethical standards were imposed on a population that will never receive the fruits of the research.

It seems to me that there are so many ethical questions surrounding this particular AZT trial that demand answers that we should look carefully at this study.

One of the answers of individuals who have commended these tests is that "The individuals knew what was happening"—that participants had given their informed consent.

I will concede that there is virtually always an ironclad, high standard of informed consent that is required for medical trials and experimentation to take place, and virtually every one of the protocols—whether it is the Helsinki Declaration, the Council of International Organizations of Medical Sciences, the Nuremberg Code, or any number of other CDC or Federal regulatory items—they almost all require that participants give their informed consent. Those who would defend these AZT trials seem to want to emphasize that since there was informed consent, we can overlook breaches in the ethics that might have taken place in the design of the studies and in the implementation of the trials.

First of all, the presence of informed consent does not authorize unethical activity. The mere fact that people would agree to engage in unethical activities and unethical trials with our Government or with agencies of our Government does not mean that our Government can or should do that. We have standards that require a certain respect for human beings and that do not allow our health organizations to treat them as experimental subjects. Whether or not there is consent does not obviate or does not alleviate or does not mitigate the demand of our ethical codes for treating people like human beings and not experimental subjects.

But there still is a real question about the level of the so-called consent that was given. This afternoon I had the opportunity to refer to an article in the New York Times which talked about a woman who, 5 minutes after she was informed for the first time that she carried the HIV virus, still shaken by the news, was walked through the details of the so-called trials and tests, as well as given general advice about what she should do to help herself and her baby. In less than 5 minutes she was given a quick explanation of what a placebo was. The session was over and this unemployed, illiterate individual had agreed to take the test. Asked what had persuaded her to do so, she said, "The medical care they're promising me."

Here is a situation where this is a mockery of informed consent. People who don't even know what a placebo is agreeing to participate in a medical study where they have a 50–50 chance of getting the placebo, a sugar pill.

The New York Times article talked about another individual. One of the most highly educated women in the test spoke to a reporter. She was a 31-year-old single mother with a degree in law who gave her name only as "X." She said she had never been made to understand that the medicine being tested, AZT, was already known to stop transmission of the virus during pregnancies. One of the fundamentals of informed consent is helping people understand what kind of therapeutic, known cures or known treatments exist, and she wasn't even told about that. "I am not sure that I understand all this so well," she said, "but there were some medicines that they said might protect the child, and they wanted to follow the evolution of my pregnancy and the effectiveness of the treatment."

People have talked about the situation of following the evolution of the pregnancy and the effectiveness of treatment. We have seen situations where we have followed the evolution of disease and the effectiveness of nontreatment and for half the people in this study we are talking about the effectiveness of nontreatment. There is no evidence in terms of this woman's testimony that she would have gotten real treatment rather than a sugar pill.

"Pressed further, X, like other mothers, said that she had not been told the results of the tests on her 1-year-old. Asked how she would feel if she learned tomorrow she received a placebo when proven treatment existed, X's tone changed abruptly," according to the New York Times. "I would say quite simply that that was an injustice," she said.

Well, it appears to me she has a good understanding of ethics if she does not have a good understanding of medicine. She understands that to provide individuals with a placebo, with a fake pill, and not to tell them that there is a real treatment that is available, would be an injustice. I could not agree more.

One of the important concepts about medical ethics is that you should only use treatments that host countries could reasonably be expected to use. As I mentioned earlier, those who support the studies say that we could not use the 076 regimen because it was too expensive. We could use the $50 treatments. However, that doesn't comport with their statistics which also state that the average expenditure for health care is $5. If the per capita spending in these countries is often less than $10 per person, as the CDC says, how can these countries afford even the $50 treatment.

Dr. George Annas, whom I mentioned, from Boston University, was

publicly critical of the AIDS studies on the grounds that "they were being carried out with lower standards in a population who will never receive the fruits of the research."

These same authors talk about the research being largely unrelated to the potential for treatment in these countries. "No research in developing countries"—and I am quoting again from these same two authors, Dr. George Annas and Michael Grodin of Boston University—"No research in developing countries is ethically justified unless the treatment developed or proven effective will actually be made available to the population. And the best CDC can say about its new AZT regimens, if they work, is that they would be a far more feasible option for the developing world."

More feasible, yes, but would they be attainable? No evidence of the fact they would be attainable. I resume quoting. "This is a far cry from assuring that they will actually be made available." And then they say, "In the absence of such assurance, the African women and their children are being used purely as guinea pigs. They will be subjected to the intrusions and risks of research without any hope, much less any expectation, that they or their communities can ever benefit from the studies."

The problem of treating individuals as experimental subjects is a serious problem. It is an ethical problem. And it is one which was so problematic that it caused the New England Journal of Medicine and a variety of other scholars to say that this is unacceptable.

As we are debating whether or not we have a nomination for a Surgeon General that should be the doctor for America's families, the leader in terms of what America should be and can be, I think the ethics of the research conducted at his specific direction and under his control are important and legitimate concerns.

I am saddened that Dr. Satcher chose to get involved in experimentation in Africa which would have been unacceptable here, which medical ethicists have indicated could not have been done here, which would have occasioned an outcry from the public and from authorities here, but which he thought could be done in Africa because these individuals have a different standard of living and that local conditions are different than ours. The situation of ethics is not something that relates to the economic standing of people, and it should not be related to a capacity on the part of a nation to transfer experimentation which it would not allow in its own country to be undertaken in another country.

I believe America deserves the highest and best when it comes to ethics. I believe we deserve a Surgeon General who would criticize rather than implement this kind of anemia in the ethical world. I believe we deserve a Surgeon General who understands that human beings, regardless of their wealth, social station, national origin or citizenship, deserve to be treated as human beings and not as laboratory experiments. I regret that too often in Washington we have come to the place of thinking that if we can get a big value, or if there is a lot of scientific knowledge to be gained, we can disregard ethics—that if the payoff is big enough, and particularly if the price to be paid is not in our own families, that we can look away from the ethics.

I really don't think that ethics and integrity are divisible. Just like we should be one Nation, indivisible, I think we should have one ethical standard that is indivisible, and I think it should be a high one. I think America deserves better than a Surgeon General who is willing to adjust on a relative scale of values the ethics that relate to those in another setting as compared to individuals who would be here in the United States. It is time for us to demand a Surgeon General who will appeal to the better angels of our nature, not bow to our basest desires.

As I conclude my remarks, I would indicate the African AZT trials and the ethical problems surrounding them are just one aspect of the serious difficulties I have with this nomination, difficulties that lead me to oppose this nomination. This nominee endorses the practice of partial-birth abortion. This nominee has indicated a willingness to fund studies for the distribution of clean needles to drug addicts. He has indicated a willingness to fund conferences to promote the distribution of clean needles to drug addicts, to put the Government in the business of facilitating the administration of illegal drugs.

He has reserved, in a technical statement, that he had never provided funding for a Government program to provide clean needles to addicts. But he has provided funding for Government studies and he has provided funding for other programs to promote the distribution of such needles. He has indicated that if he could get the right result from the studies he would be willing to have a program that distributed clean needles. It may be true that clean needles might help some people avoid illness, but frankly I don't know that we should be in the business of assisting individuals in the administration of IV drugs merely because there would be some "health benefit" in a discrete situation where the Government provided a sterile instrument for the administration of illicit substances.

Individuals have come to this floor also indicating that they don't believe firearms are a disease. As you know, and I think as Senator CRAIG of Idaho indicated pretty clearly, the Centers for Disease Control has sought to limit or otherwise conduct studies which might be used in seeking to limit the availability or eligibility of people to own firearms in this country because they say that firearms are dangerous to a person's health. Frankly, the provision that guarantees the right of individuals to bear arms in America is the second amendment to the Constitution of the United States and I don't believe that the Bill of Rights is a disease. I think if we have resources that need to be devoted in our culture to the abatement and mitigation of diseases, we ought to deploy those resources to fight diseases and not to try and build a case for depriving Americans of a right guaranteed them by the Bill of Rights.

In all of these settings the cumulative effect of this candidate, this nominee of the President, shows us that we are not being offered the kind of Surgeon General to lead the American people in ways that I think are appropriate and consistent with the ambitions and aspirations of Americans. For these reasons—in addition to my focus today on the ethical deficiencies of the African AIDS studies—I think this nominee should be defeated.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I ask unanimous consent to speak as in morning business.

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

JENNY LYNN STILES HUDSON

Mr. GORTON. Mr. President, it is with great sadness that I speak here in the U.S. Senate this evening. I share a story of a wonderful and talented young woman, Miss Jenny Lynn Stiles Hudson, whose life was lost tragically in an automobile accident a week ago today, on January 28.

Jenny was only 21 years old at the time of her death and had just begun a career as my deputy director for eastern Washington. While Jenny was with the Gorton organization only for a few short weeks, she had already demonstrated the talents to be a valuable member of my organization.

But Jenny Hudson will not be remembered for being a Gorton staffer. Rather, she will be remembered as an amazing and dynamic young woman

who accomplished so much in her 21 years and who touched the lives of all around her.

Jenny grew up in Lyman and Hamilton, in rural Skagit County, north of Seattle. She was a joy and a delight to her family and a participant in almost all of the school and community activities offered to her in that rural setting.

Jenny graduated from Washington State University only in December of last year. At the university she was active in the Block and Bridle Club, the Livestock Judging Team, the Washington Cattlemen's Association, all while raising and showing Limousin beef cattle throughout the State of Washington.

Jenny enjoyed swimming and singing. At the same time, she maintained a strong belief in God, working as the youth director of her local church.

Jenny Hudson will be missed by all who knew her. In her short 21 years, Jenny inspired those around her with her vibrant outlook on life, her ambition and her many accomplishments. An early death reminds us of the sanctity and the fragility of life. Let the lesson of Jenny Hudson's remarkable life be no less deep.

My thoughts and prayers go out to Jenny's parents, to her husband of just 6 months, Tipton, and to her countless friends and relatives as they deal with this difficult time.

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

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

MORNING BUSINESS

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

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. WARNER. Mr. President, I have listened very carefully to the senior Senator from West Virginia, Mr. BYRD, as he has every day taken the floor regarding the need for the U.S. Senate to address S. 1173, a bill that I named the ISTEA 2 authorization bill, since it came through my subcommittee on the Environment and Public Works Committee.

I joined with Senator BYRD, the senior Senator from Texas, Mr. GRAMM, and the senior Senator from Montana, Mr. BAUCUS, who is the ranking member on my subcommittee and the full committee, in an amendment which will ensure that a greater amount of funds will go to the Nation's infrastructure of highways.

Under the leadership of Senator BYRD, the four of us on this particular amendment have been talking to a number of Senators. We are very pleased to announce that we are up to 52 cosponsors. I met earlier today with a group of Governors who have an organization termed "trust," and they have visited the Nation's Capitol to speak particularly with Senators on the urgency of addressing this bill and passing the needed legislation so funds can flow to the new construction programs for this calendar year.

The most fervent appeals for prompt consideration of this bill understandably come from the States in the northern tier of the United States of America, because they have a very short season within which to do the needed construction because of the severity of the weather. The distinguished Presiding Officer has some specific knowledge about the needs based on his own experience in this field. We have talked about it many times. It is my understanding he is also a cosponsor of the Byrd-Gramm-Warner-Baucus amendment.

The Senate has very few legislative days comparatively this session, perhaps as few as 100, given that we, by necessity, must leave early in the fall given the elections this year, and, therefore, it would be my hope that the leadership could judge this period within the next few weeks as a suitable time within which to bring up this very important piece of legislation.

It had been my hope and understanding based on commitments made last fall that the Senate would be debating this bill at this time.

I want to share with my Senate colleagues my strong concerns about the impacts of a prolonged delay in considering this bill on our state transportation partners and on employment in many industries engaged in highway and bridge construction activities.

This important legislation to reauthorize our nation's surface transportation programs was reported unanimously from the Committee on Environment and Public Works on October 1, 1997.

We all know of the difficulties that delayed consideration of this bill last October. Because of this, a short-term extension of ISTEA was enacted to provide a modest amount of funding to our states to keep our safety, highway construction and transit programs going.

Many expressed reservations about the wisdom of providing a brief extension of ISTEA funds for fear that Congress would not promptly consider the full reauthorization bill early this session. Regrettably, those concerns appear to be coming true.

Mr. President, since October 1, our states have been struggling to manage their safety, highway and transit programs on a temporary, stop-gap basis. The ISTEA Extension Act provided only approximately six-months worth of funds—enough to last from October to this March. So, in approximately 7 weeks, our states will have exhausted the funds released in the short-term ISTEA Extension bill.

I want to be sure that my colleagues also understand the impacts of the May 1st deadline provided in the ISTEA Extension bill. That provision prohibits states from spending any federal highway dollars after May 1st. So, states who want to prudently manage their federal dollars are prohibited from stretching them out to last during the summer construction season.

During consideration of the short-term extension bill last October, this May 1st limitation was viewed as a way to ensure that all states would be in a similar position—absent passage of a new surface transportation reauthorization bill.

It was my view that based on the assurances that S. 1173, the ISTEA II reauthorization bill, would be the first order of business this session, the May 1st deadline seemed appropriate.

If the Senate does not turn to consideration of this critical legislation until after the Budget Resolution, as some of my colleagues are requesting, the entire highway construction season for many states is in jeopardy.

Waiting for the completion of the Budget Resolution before proceeding to ISTEA is an irresponsible course of action, especially since the estimated completion of the Budget Resolution varies greatly.

Mr. President, according to AASHTO, the Association of State Secretaries of Transportation, approximately 70 percent of all road and bridge construction, including critical maintenance work, occurs during the peak summer months of June, July and August.

States must be able to plan today for that work to occur this summer. Projects must be advertised, contractors selected and bids awarded before projects are ready for construction. This process takes months to complete. Our states today are not proceeding with this planning because there is no certainty as to when new transportation funds will be forthcoming.

We already know that many states are beginning to severely cut back on their construction schedules.

For these reasons, I believe the Senate must move promptly to consider this legislation. Time is slipping by and millions of jobs are hanging in the balance—awaiting our action.

These jobs are not just road builders and contractors, but thousands of suppliers of asphalt, stone, steel, and heavy manufacturing equipment. All work will be idle this summer unless we take action soon.

Mr. President, it is also important to note that delay in considering this legislation not only impacts highway construction activity in our states, the delay also puts our nation's safety and transit programs in jeopardy.

Highway safety grant programs received only half a year funding in the ISTEA extension bill. Without additional funds major safety initiatives involving safety belt use, child seat use, drunk driving prevention and motor carrier safety programs will cease.

Mr. President, we must make every effort to ensure that these serious disruptions in our nation's highway, safety and transit programs do not occur. Let's move forward today to consider legislation that was unanimously supported by the Committee on Environment and Public Works.

I thank the Chair.

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

Mr. JEFFORDS. Mr. President, first, I commend the senior Senator from Virginia for his very helpful remarks. I am a very strong believer that we must take immediate action on ISTEA. I think it is critical for the Nation, especially in my State, which as the Senator pointed out, those of us in the northern tier probably have about the shortest season, along the State of Maine and the top of New Hampshire. So we are desperate for action.

Mr. WARNER. Mr. President, I thank the Senator for his remarks. I wish to add, it is not only the short season but the funding profile. In a number of these States, the reserves are going to expire in that period of time. It is my judgment that we cannot pass an extension in order to allow them a period within which to have these expenditures beyond May 1. So that is a second reason. I thank the Senator for his kind remarks.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Ms. MIKULSKI. Mr. President, today I voted in support of renaming Washington National Airport as the Ronald Reagan National Airport.

I am aware of the concerns about the need for local control over the airport. That's why I voted in favor of the Daschle Amendment that would have given the Washington Metropolitan Airports Authority the final say over renaming the airport. I have always been a strong supporter of local control over National Airport.

However, in the end, I decided that the decision to rename National Airport should rise above party politics. My decision to support S. 1575 was a personal one.

It's no secret that I didn't always agree with President Reagan's policies. As a matter of fact, when it came to politics, President Reagan and I disagreed quite often. However, Ronald Reagan and I shared one important thing: our respect for the Presidency.

President Reagan devoted much of his life to serving the people of this country—first as the Governor of California, then as our President. For that reason, he deserves our respect. He has mine. No matter how different our political viewpoints were, I have always respected President Reagan and always will.

In the twilight of his distinguished life, President Reagan and I have something else in common. Like the President, my father suffered from Alzheimer's disease. I know how devastating this illness is and the strength it requires from a family. My thoughts and prayers are with Mrs. Reagan and all of the President's family. One thing I learned during my father's illness was the importance of gestures. Renaming National Airport as the Ronald Reagan National Airport is a gesture that I support.

Today, like many of my fellow Senators, I saluted President Reagan. While I would have preferred that the decision was made by the Airports Authority, I believe it is the end that matters, not the means. That is why I voted in favor of this bill.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Dakota.

THE HIGHWAY BILL

Mr. DORGAN. Mr. President, there has been a fair amount of discussion in the last few days about the desire that many Members of the Senate have that we be able to debate a highway bill here on the floor of the Senate. I want to add my voice to that of Senator BYRD and Senator GRAMM of Texas, Senator BAUCUS and so many others who have come to the floor of the Senate and indicated the importance of the Senate proceeding ahead to deal with the highway bill.

I know that there are those who say, "Well, the House of Representatives indicates it is not going to proceed on a highway bill until some point much later, perhaps following the decisions made on the budget." There are those who say in the Senate that we ought not proceed until we deal with the budget.

The fact is, the highway bill was supposed to have been done last year and was not. It ought to be done now. If we wait, we will move right to that May 1st drop-dead date on the highway short-term extension, and we will leave a good many States out there wondering what on Earth are they going to do with respect to their roads and bridges that need repair and rebuilding? Now, the highway bill does not sound very sexy or very interesting to some. But the investment in highways is very important to this country. It represents an investment in infrastructure, it represents jobs and economic activity and opportunity. It is very, very important.

We take for granted so many things in this country, almost every day. But go, for example, to Honduras and get on a road going south from Tegucigalpa, and then think to yourself, as you drive along that road, what a different kind of infrastructure there exists in some countries versus what we have done in this country. We take roads for granted until we go elsewhere in the world and discover what we have done in this country to make this a better place.

I come from a very, very rural area of America, a county the size of the State of Rhode Island that has only 3,000 residents. I know from that background how important roads have been to my hometown—the opportunity to move grain to market, the opportunity to get to a hospital, the opportunity to go back and forth for purposes of commerce. It unlocks economic opportunities in all parts of our country. That is why building and maintaining the network of roads and bridges in our country has been so important.

One of the wonderful examples of progress in this country was when we decided as a country that we were going to build an interstate highway system and it was going to be an American system, a national system. They did not decide, you know, we should debate whether the interstate highway should go through a State like North Dakota. They did not say, "Well, when it gets to Fargo, ND, on the Minnesota border, we have to stop there because there aren't enough people living between Fargo, ND, and Beach, ND, over by the Montana side to justify building four lanes of highway calling it an interstate." They don't say that.

They built an interstate highway all across this country to connect this country even through remote rural areas because we knew it was a good investment for this country.

Roads, infrastructure—it represents an awfully good investment for this country. What has happened to us—and I am not laying partisan blame at all—what has happened to us is we have gotten embroiled in debates about a lot of other issues here in the U.S. Senate when in fact it is our duty and responsibility to take up the issue of highway reauthorization and get it done.

We have a very short construction season in some of our northern States. We have to know what kind of money is available, what kind of investment can be made, what kind of resources will be available to us to proceed and develop the plans needed to maintain our roads and bridges. I worry very much that what is going to happen to us is we will come up to the May 1st

deadline and not have done the highway bill even this year, when in fact it should have been done last year. So the question before the Senate is not whether we are going to do a highway bill. The question is when. And the question of when is very, very important.

I know the majority leader told the Senate that it would be the first order of business when we come back after the first of the year. I also know there are others in the Senate who are tugging at his sleeves saying, well, we do not want the highway bill to come up until after the budget. So I know the majority leader wants to bring the highway bill up, but he has other Members suggesting that it be brought up later.

I urge the majority leader, in the strongest terms possible, to heed the call of Senator GRAMM from Texas, Senator BYRD, Senator BAUCUS, Senator CHAFEE, so many other Senators who say this is a critically important issue. Let's do this. Let's do it together in a bipartisan way, and let's tell the Governors and the mayors and the legislators and the folks out in our country in the countries and the cities that here is our highway bill, here are the resources, here is our investment in infrastructure. We are proud of it. We want to do it because it is good for the country. Let's do it soon.

So we will continue, in the coming days, to call for action on the highway bill. It is not meant in any way as a partisan call, because there are both Republicans and Democrats who feel very strongly that it ought to be placed right at the top of the agenda right now. Some say that when the highway bill comes to the floor, there will be 100 or 200 amendments. Well, if there are 100 amendments, we could have gotten rid of a lot of them last week and this week. Let's work our way through it and pass this legislation and send a message to the folks out in the country that this Congress values the investment in infrastructure in our country, this Congress understands the importance of a highway program that provides certainty to the American people about our investment in infrastructure.

The National Council of State Legislatures, today, has written the majority leader saying:

On behalf of the Nation's State legislators, the National Conference of State Legislatures reiterates its continuing, firm support for immediate action on ISTEA reauthorization.

That is the highway bill.

It is crucial that a long-term reauthorization be enacted before March 31.

It goes on to say:

The National Council of State Legislatures feels that immediate action is essential. States face imminent shortfalls in various program accounts at the end of March, 1998, shortfalls which can have serious ramifications for State transportation programs. For example, contractual relationships for future highway construction can be compromised, transit agencies can be unable to apportion funds without the passage of authorizing legislation, and highway safety programs can come to a halt in certain States. State legislators remain greatly concerned about the possibility of these disruptions.

I ask unanimous consent to have this printed in the RECORD.

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

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, February 4, 1998.

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

DEAR SENATOR LOTT: On behalf of the nation's state legislators, the National Conference of State Legislatures reiterates its continuing, firm support for immediate action on ISTEA reauthorization.

It is crucial that a long-term reauthorization be enacted before March 31st. NCSL feels that immediate action is essential. States face imminent shortfalls in various program accounts at the end of March 1998, shortfalls which can have serious ramifications for state transportation programs. For example, contractual relationships for future highway construction can be compromised, transit agencies can be unable to apportion funds without the passage of authorizing legislation, and highway safety programs can come to a halt in certain states. State legislators remain greatly concerned about the possibility of these disruptions.

Thank you for your consideration. We hope that you will do your part to ensure the passage of any surface transportation reauthorization.

Sincerely yours,
RICHARD FINAN,
Senate President, Ohio,
NCSL President.

Mr. DORGAN. Mr. President, I know the majority leader wants to pass this legislation. I know there will be a bipartisan consensus on a highway reauthorization bill. I come today to the floor of the Senate saying, let us start now, let us move to the highway reauthorization bill and decide to take action as quickly as possible for the benefit of this country.

I yield the floor.

ANDY REESE

Mr. COCHRAN. Mr. President, today in Mississippi, funeral services were held for Andy Reese, who was a long time reporter for United Press International and later served as the public information officer of the Mississippi House of Representatives.

He was a friend of mine and of many others who had the good fortune to come to know him. He was totally trustworthy, very intelligent, and dependably accurate in his reporting. Our state has suffered a great loss.

I ask unanimous consent that an editorial in today's Clarion Ledger of Jackson, MS which eloquently describes his career and his wonderful qualities be printed in the RECORD.

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

"ANDY" REESE

A QUIET MAN WITH A POWERFUL VOICE

For most Mississippians, the name of Andrew "Andy" Reese was anything but a household word. But, the words he spoke and wrote made a powerful impact on this state.

Reese, of Jackson, died Sunday at age 65. For 28 years, he worked for United Press International (UPI), covering some of the biggest stories of the civil rights era here.

Since 1985, he provided the calming voice that was the bridge between the fractious media and sea of egos that is the Legislature, serving as House public relations officer.

He was as calm, thoughtful and informative during the heat of a legislative battle as he was during those thorny times in the '60s when chaos seemed to reign supreme.

Reese had a soft, quiet voice, filled with humor and respect for all he met and lending reason in times of turmoil. But, his impact was thunderous. His integrity was unimpeachable, his reputation solid, his trust sure.

Reese is to be buried today. But, his influence upon this state will not be forgotten. His honesty and intellect will be remembered as guidelines for others to follow.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, January 3, 1998, the Federal debt stood at $5,474,822,352,150.77 (Five trillion, four hundred seventy-four billion, eight hundred twenty-two million, three hundred fifty-two thousand, one hundred fifty dollars and seventy-seven cents).

One year ago, February 3, 1997, the Federal debt stood at $5,297,382,000,000 (Five trillion, two hundred ninety-seven billion, three hundred eighty-two million).

Five years ago, February 3, 1993, the Federal debt stood at $4,171,477,000,000 (Four trillion, one hundred seventy-one billion, four hundred seventy-seven million).

Ten years ago, February 3, 1988, the Federal debt stood at $2,458,168,000,000 (Two trillion, four hundred fifty-eight billion, one hundred sixty-eight million).

Fifteen years ago, February 3, 1983, the Federal debt stood at $1,197,902,000,000 (One trillion, one hundred ninety-seven billion, nine hundred two million) which reflects a debt increase of more than $4 trillion—$4,276,920,352,150.77 (Four trillion, two hundred seventy-six billion, nine hundred twenty million, three hundred fifty-two thousand, one hundred fifty dollars and seventy-seven cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JANUARY 30TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports

that for the week ending January 30, the U.S. imported 6,811,000 barrels of oil each day, 329,000 barrels fewer than the 7,140,000 imported each day during the same week a year ago.

While this is one of the rare weeks when Americans imported slightly less oil than the same week a year ago, Americans still relied on foreign oil for 51.7 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 6,811,000 barrels a day.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 92

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 31, 1997, concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

Executive Order 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a United States person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution (UNSCR) 661 of August 6, 1990.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 and matters relating to Executive Orders 12724 and 12817 (the "Executive Orders"). The report covers events from August 2, 1997, through February 1, 1998.

1. In April 1995, the U.N. Security Council adopted UNSCR 986 authorizing Iraq to export up to $1 billion in petroleum and petroleum products every 90 days for a total of 180 days under U.N. supervision in order to finance the purchase of food, medicine, and other humanitarian supplies. UNSCR 986 includes arrangements to ensure equitable distribution of humanitarian goods purchased with UNSCR 986 oil revenues to all the people of Iraq. The resolution also provides for the payment of compensation to victims of Iraqi aggression and for the funding of other U.N. activities with respect to Iraq. On May 20, 1996, a memorandum of understanding was concluded between the Secretariat of the United Nations and the Government of Iraq agreeing on terms for implementing UNSCR 986. On August 8, 1996, the UNSC committee established pursuant to UNSCR 661 ("the 661 Committee") adopted procedures to be employed by the 661 Committee in implementation of UNSCR 986. On December 9, 1996, the President of the Security Council received the report prepared by the Secretary General as requested by paragraph 13 of UNSCR 986, making UNSCR 986 effective as of 12:01 a.m. December 10, 1996.

On June 4, 1997, the U.N. Security Council adopted UNSCR 1111, renewing for another 180 days the authorization for Iraqi petroleum sales and purchases of humanitarian aid contained in UNSCR 986 of April 14, 1995. The Resolution became effective on June 8, 1997. On September 12, 1997, the Security Council, noting Iraq's decision not to export petroleum and petroleum products pursuant to UNSCR 1111 during the period June 8 to August 13, 1997, and deeply concerned about the resulting humanitarian consequences for the Iraqi people, adopted UNSCR 1129. This resolution replaced the two 90-day quotas with one 120-day quota and one 60-day quota in order to enable Iraq to export its full $2 billion quota of oil within the original 180 days of UNSCR 1111. On December 4, 1997, the U.N. Security Council adopted UNSCR 1143, renewing for another 180 days, beginning December 5, 1997, the authorization for Iraqi petroleum sales and humanitarian aid purchases contained in UNSCR 986. As of January 2, 1998, however, Iraq still had not exported any petroleum under UNSCR 1143. During the reporting period, imports into the United States under this program totaled about 14.2 million barrels, bringing total imports since December 10, 1996, to approximately 23.7 million barrels.

2. There have been two amendments to the Iraqi Sanctions Regulations, 31 C.F.R. Part 575 (the "ISR" or the "Regulations") administered by the Office of Foreign Assets Control (OFAC) of the Department of the Treasury during the reporting period. The Regulations were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 C.F.R. Part 501) dealing solely with such procedural matters (62 *Fed. Reg.* 45098, August 25, 1997). A copy of the amendment is attached.

On December 30, 1997, the Regulations were amended to remove from appendices A and B to 31 C.F.R. chapter V the name of an individual who had been determined previously to act for or on behalf of, or to be owned or controlled by, the Government of Iraq (62 *Fed. Reg.* 67729, December 30, 1997). A copy of the amendment is attached.

As previously reported, the Regulations were amended on December 10, 1996, to provide a statement of licensing policy regarding specific licensing of United States persons seeking to purchase Iraqi-origin petroleum and petroleum products from Iraq (61 *Fed. Reg.* 65312, December 11, 1996). Statements of licensing policy were also provided regarding sales of essential parts and equipment for the Kirkuk-Yumurtalik pipeline system, and sales of humanitarian goods to Iraq, pursuant to United Nations approval. A general license was also added to authorize dealings in Iraqi-origin petroleum and petroleum products that have been exported from Iraq with United Nations and United States Government approval.

All executory contracts must contain terms requiring that all proceeds of oil purchases from the Government of Iraq, including the State Oil Marketing Organization, must be placed in the U.N. escrow account at Banque Nationale de Paris, New York (the "986 escrow account"), and all Iraqi payments for authorized sales of pipeline parts and equipment, humanitarian goods, and incidental transaction costs borne by Iraq will, upon approval by the 661 Committee and satisfaction of other conditions established by the United Nations, be paid or payable out of the 986 escrow account.

3. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. Several cases from prior reporting periods are continuing

and recent additional allegations have been referred by OFAC to the U.S. Customs Service for investigation.

On July 15, 1995, a jury in the Eastern District of New York returned a verdict of not guilty for two defendants charged with the attempted exportation and transshipment to Iraq of zirconium ingots in violation of IEEPA and the ISR. The two were charged in a Federal indictment on July 10, 1995, along with another defendant who entered a guilty plea on February 6, 1997.

Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to OFAC's listing of individuals and organizations determined to be Specially Designated Nationals (SDNs) of the Government of Iraq.

Since my last report, OFAC collected civil monetary penalties totaling more than $1.125 million for violations of IEEPA and the ISR relating to the sale and shipment of goods to the Government of Iraq and an entity in Iraq. Additional administrative proceedings have been initiated and others await commencement.

4. The Office of Foreign Assets Control has issued hundreds of licensing determinations regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Specific licenses have been issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes, sales of humanitarian supplies to Iraq under UNSCR 986 and 1111, diplomatic transactions, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq, and the protection of preexistent intellectual property rights in Iraq. Since my last report, 88 specific licenses have been issued, most with respect to sales of humanitarian goods.

Since December 10, 1996, OFAC has issued specific licenses authorizing commercial sales of humanitarian goods funded by Iraqi oil sales pursuant to UNSCR 986 and 1111 valued at more than $239 million. Of that amount, approximately $222 million represents sales of basic foodstuffs, $7.9 million for medicines and medical supplies, $8.2 million for water testing and treatment equipment, and nearly $700,000 to fund a variety of United Nations activities in Iraq. International humanitarian relief in Iraq is coordinated under the direction of the United Nations Office of the Humanitarian Coordinator of Iraq. Assisting U.N. agencies include the World Food Program, the U.N. Population Fund, the U.N. Food and Agriculture Organization, the World Health Organization, and UNICEF. As of January 8, 1998, OFAC had authorized sales valued at more than $165.8 million worth of humanitarian goods during the reporting period beginning August 2, 1997.

5. The expenses incurred by the Federal Government in the 6-month period from August 2, 1997, through February 1, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about $1.2 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of International Organization Affairs, the Bureau of Political-Military Affairs, the Bureau of Intelligence and Research, the U.S. Mission to the United Nations, and the Office of the Legal Adviser), and the Department of Transportation (particularly the U.S. Coast Guard).

6. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with relevant United Nations Security Council resolutions. Iraqi compliance with these resolutions is necessary before the United States will consider lifting economic sanctions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, Iraqi recognition of Kuwait and the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access of international relief organizations to all those in need in all parts of Iraq. Seven and a half years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to return Kuwaiti property worth millions of dollars, including military equipment that was used by Iraq in its movement of troops to the Kuwaiti border in October 1994; sponsorship of assassinations in Lebanon and in northern Iraq; incomplete declarations to weapons inspectors and refusal to provide immediate, unconditional, and unrestricted access to sites by these inspectors; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Baghdad government continues to violate basic human rights of its own citizens through systematic repression of all forms of political expression, oppression of minorities, and denial of humanitarian assistance. The Government of Iraq has repeatedly said it will not comply with UNSCR 688 of April 5, 1991. The Iraqi military routinely harasses residents of the north, and has attempted to "Arabize" the Kurdish, Turkomen, and Assyrian areas in the north. Iraq has not relented in its artillery attacks against civilian population centers in the south, or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring states.

The policies and actions of the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. The U.N. resolutions affirm that the Security Council be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it from threatening peace and stability in the region.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998.*

MESSAGES FROM THE HOUSE

At 12:02 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 bill, in which it requests the concurrence of the Senate:

H.R. 1085. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations."

ENROLLED BILLS SIGNED

At 12:11 p.m., a message from the House of Representatives, delivered by Mr. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native America

Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 4, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar.

S. 1601. A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

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. GRAMS:

S. 1603. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. GRASSLEY):

S. 1604. A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSON, Mr. KENNEDY, Mr. REID, Mr. TORRICELLI, and Mr. DODD):

S. 1605. A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. HARKIN):

S. 1606. A bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. FAIRCLOTH:

S. 1607. A bill to direct the Secretary of the Army to carry out an environmental restoration and enhancement project at the Eastern Channel of the Lockweeds Folly River, Brunswick County, North Carolina; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself and Mr. ENZI):

S. 1608. A bill to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. HOLLINGS, Mr. BURNS, and Mr. KERRY):

S. 1609. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress in its activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. INOUYE, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. KERREY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. BUMPERS, Mrs. BOXER, and Mr. KERRY):

S. 1610. A bill to increase the availability, affordability, and quality of child care; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 1611. A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes; read the first time.

By Mr. HATCH (for himself, Mr. CLELAND, Mr. HAGEL, Mr. STEVENS, Mr. FORD, Mr. LOTT, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. ALLARD, Mr. ASHCROFT, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, Mr. BAUCUS, Mr. BREAUX, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. REID, Mr. ROCKEFELLER, and Mr. JOHNSON):

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. Con. Res. 72. A concurrent resolution honoring the centennial celebration of the University of Kansas basketball program and the contributions of the program to the sport of basketball and of the coaches, players, and 500 lettermen, who have achieved success and made significant contributions on and off the basketball court; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 1603. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

THE SURVIVORS OF TORTURE SUPPORT ACT

Mr. GRAMS. Mr. President, most people do not realize that torture is practiced or condoned in more than 100 countries.

We all agree that torture is a horrible act. It is designed to physically and emotionally cripple individuals, to render them incapable of mounting an effective opposition to a regime or a system of beliefs.

Torture does not affect just the victim—it sends a strong message to the victim's family, community, and nation that dissent will not be tolerated. Torture is not used as a weapon just against an individual—it is used as a weapon against democracy.

As a nation, we cannot stand by and continue to let the victims of torture suffer in silence. We must do more than proclaim that the practice of torture is abhorrent. We must provide assistance to torture survivors, for they truly are not able to help themselves.

The "Survivors of Torture Support Act" will assist victims of torture both here and abroad. While the practice of torture is not a problem in this country, many victims of torture flee to the United States to seek refuge.

As many as 400,000 torture survivors now live in the United States. Many of the survivors may not be getting the assistance they need. Other survivors of torture remain abroad; they deserve effective treatment as well.

The "Survivors of Torture Support Act" makes changes in U.S. immigration policy to account for the special needs of torture survivors.

This bill designates torture victims as refugees of special humanitarian concern.

It ensures expedited processing for asylum applicants who present credible claims of subjection to torture. It also establishes procedures for taking into account the effects of torture in the adjudication of such claims.

This bill grants the presumption that such applicants shall not be detained while their asylum claims are pending, and provides exemption from expedited removal procedures for individuals in danger of being subjected to torture.

Many times, torture survivors are not identified by U.S. officials because consular, immigration, and also asylum personnel have not received adequate training in either the identification of evidence of torture or the techniques for interviewing torture victims.

The "Survivors of Torture Support Act" requires that the Attorney General and the Secretary of State provide training necessary for these officials to recognize the effects of torture on victims, and the way this can affect the interview or hearing process.

It also requires special training in interview techniques, so that survivors of torture are not traumatized by this experience.

Torture survivors can be productive members of American society if they have access to treatment. That is why this bill provides $50 million over three years for treatment of victims of torture in the United States and abroad.

My home state of Minnesota is fortunate to have the first comprehensive treatment center in the United States for victims of torture.

The Center for Victims of Torture has treated more than 500 patients since it was established in 1985, and by helping those patients overcome the atrocities suffered in their homelands, has assisted them in becoming productive members of our communities.

In addition to providing treatment to persons who have been tortured by foreign governments, the Center has been active in providing training and support for treatment centers abroad. I have learned a great deal from visiting the Center and meeting its clients and staff.

Support for legislation to assist torture survivors has been increasing since Senator Dave Durenberger first introduced it in 1994.

I have worked closely with my colleague from Minnesota, Senator WELLSTONE, in developing legislation to address the very real needs of these survivors. While we have chosen different paths in bringing this issue before the Senate, our bills differ primarily in approach.

Therefore, I applaud his efforts and look forward to working closely with him to move legislation forward in 1998 that will assist victims of torture who reside in the U.S. and also abroad.

The United States should take a leading role in encouraging the establishment of additional treatment programs both at home and also abroad.

We are making progress in this direction. The U.S. is now the largest contributor to the United Nations voluntary fund for victims of torture. We must continue to support treatment centers, like the one in Minnesota, which help those who cannot help themselves.

Again, I urge my colleagues to support this much-needed legislation.

By Mr. D'AMATO (for himself and Mr. GRASSLEY):

S. 1604. A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care of imposed by section 4407 of the Balanced Budget Act of 1997; to the Committee on Finance.

MEDICARE TRANSFER REPEAL LEGISLATION

Mr. D'AMATO. Mr. President, I am introducing legislation today to repeal a provision of the Balanced Budget Act (BBA) of 1997 that is particularly onerous and unfair to New York's and our nation's hospitals. The provision is one that expands the definition of a Medicare transfer and it is inherently counterintuitive to assuring the delivery of appropriate health care services to patients.

As many of my colleagues might recall, I was actively involved during the Senate's debate of the BBA in fighting for the elimination of the transfer provision. I thought then, and I still believe now that it is bad health care policy that runs counter to the mission that we should be advocating when we make policy: to encourage the providers of health care in our communities to provide the most appropriate care for the good of their patients. Along with my colleague Senator DODD, last year, we were able to mitigate the impact of the original transfer provision in the final BBA that was enacted. Unfortunately, we were not able to eliminate it from the BBA and that is why I am here today, offering legislation to finish the job we started last summer.

Included in the BBA was a provision that would expand the definition of a Medicare acute care transfer to include discharges to any rehabilitation or psychiatric hospital, nursing home or home health agency. This policy is scheduled to go into effect on October 1, 1998, for 10 Medicare hospital procedures that will be determined by the Secretary of Health and Human Services. What this means for hospitals that transfer patients is that the hospital would no longer get paid the appropriate payment (a DRG payment)—they would instead get paid a lesser amount—just because the patient was discharged to receive a more appropriate level of care. This policy would only apply for patients that are transferred in under the average length of stay.

Let me give you an example: a patient goes into the hospital for one of the 10 designated procedures, for example, a hip operation, which has an average length of stay of 10 days. At 7 days, the patient's doctor wants to transfer him to a rehabilitation hospital to continue his recovery. This is where the transfer policy would have an effect: the hospital that discharged him would no longer receive the payment that is due to them—the DRG payment. Instead, they would receive a lesser per diem payment, merely because the patient was discharged to receive a more appropriate, cost effective level of care.

Let me spend a moment here talking about the hospital payment system. The DRG system was put into place by Congress to create the proper incentives for providing an appropriate level of care for patients. It is a system that is built on average: patient cases that have higher lengths of stay are "underpaid" and cases that have lower than average lengths of stay are "overpaid" because, regardless of the length of stay, hospitals get the same payment. The new transfer policy would begin a serious erosion of the DRG system and, as a result, create the wrong incentives for hospitals. Hospitals that are faced with receiving a lesser payment for providing the appropriate care for a patient, will undoubtedly change their behavior: they will end up keeping a patient in the hospital longer—until the average length of stay is reached, and then transfer the patient to a post-acute care facility. As a result, the transfer policy creates a disincentive for hospitals to efficiently provide the most appropriate level of care for their patients.

The transfer policy is not necessary. Patients that use post-acute care services tend to have more complicated health care needs and longer hospital stays than those patients that don't use post-acute care. For this reason, the transfer policy does not address a problem in the Medicare system that needs fixing. Even the Prospective Payment Assessment Commission rejected this policy change because they believed it was bad health care policy and that it provided the wrong incentives for a hospital prospective payment system.

It also creates billing documents for our hospitals who would be held responsible for the future actions of former patients. This sets up our hospitals for future allegations of fraud. For example, a hospital discharges a patient, who goes home from the hospital, expecting to be cared for by a family member. Suddenly, the family member becomes ill and unexpectedly cannot care for a patient. The patient's doctor calls the local home health care agency, who now sends a nurse out to the patient's home for 3 weeks of home care. The hospital has no knowledge of this and will bill Medicare for the full DRG because it believed that the patient was discharged and at home recovering. The hospital is unaware of actions of the patient and therefore

would have no reason to bill the Medicare program differently. The government later could cite the hospital for fraud because they billed the Medicare program improperly. Hospitals are faced with the impossible and untenable task of tracking the future actions of patients that left their care.

Repeal of the transfer policy is the only way to right a very misguided policy that was adopted last year. I urge my colleagues to support legislation that will eliminate a provision of the BBA that is bad health policy and disruptive to a system that aims to assure that patients receive the right care in the most appropriate setting.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 1604

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

SECTION 1. REPEAL OF RESTRICTION ON MEDICARE PAYMENT FOR CERTAIN HOSPITAL DISCHARGES TO POST-ACUTE CARE.

(a) IN GENERAL.—Section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)), as amended by section 4407 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 401), is amended—

(1) in subparagraph (I)(ii), by striking "not taking in account the effect of subparagraph (J),", and

(2) by striking subparagraph (J).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 251).

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSON, Mr. KENNEDY, Mr. REID, Mr. TORRICELLI, and Mr. DODD):

S. 1605. A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

THE BULLETPROOF VEST PARTNERSHIP ACT OF 1998

Mr. CAMPBELL. Mr. President, today Senator LEAHY and I are introducing the Bulletproof Vest Partnership Act of 1998, a bill to establish a matching grant program to help State, Tribal and local jurisdictions purchase armor vests for the use by law enforcement officers. We are pleased to be joined in this effort by the distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, and Senators D'AMATO, FAIRCLOTH, HOLLINGS, JOHNSON, KENNEDY, REID, TORRICELLI and DODD. This bill expands on legislation I introduced last month to help law enforcement.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. As a former deputy sheriff, I know first-hand the risks which law enforcement officers face everyday on the front lines protecting our communities.

Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the nation's 600,000 state and local officers—do not have access to bulletproof vests.

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 1,500 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own. The Bulletproof Vest Partnership Act of 1998 would form a partnership with state and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof gets one. It would do so by authorizing up to $25 million per year for a new grant program within the U.S. Department of Justice. The program would provide 50-50 matching grants to state and local law enforcement agencies and Indian tribes to assist in purchasing bulletproof vests and body armor. To make sure that no police department is left out of the program, the matching requirement could be waived for those jurisdictions that cannot afford it.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death.

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. 1605

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 "Bulletproof Vest Partnership Act of 1998".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a "public safety crisis in Indian country"; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARMOR VEST.—The term "armor vest" means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) BODY ARMOR.—The term "body armor" means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) DIRECTOR.—The term "Director" means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) INDIAN TRIBE.—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director may make grants to States, units of local government, and Indian tribes in accordance

with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) APPLICATIONS.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) USES OF FUNDS.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) PREFERENTIAL CONSIDERATION.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) MINIMUM AMOUNT.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(f) MAXIMUM AMOUNT.—A State, together with grantees within the State (other than Indian tribes), may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) ALLOCATION OF FUNDS.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) REIMBURSEMENT.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

Mr. LEAHY. Mr. President, today Senator CAMPBELL and I are introducing the Bulletproof Vest Partnership Act of 1998, along with Senators D'AMATO, DODD, HATCH, HOLLINGS, JOHNSON, KENNEDY, REID and TORRICELLI. I am particularly pleased that the Chairman of the Senate Judiciary Committee, Senator HATCH, is an original cosponsor of this bill. Our bipartisan legislation is intended to save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor.

Far too many police officers are needlessly killed each year while serving to protect our citizens. According to the Federal Bureau of Investigation, more than 30 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

Unfortunately, far too many state and local law enforcement agencies cannot afford to provide every officer in their jurisdictions with the protection of body armor. In fact, the Department of Justice estimates that approximately 150,000 State and local law enforcement officers, nearly 25 percent, are not issued body armor.

In countless incidents across the country every day officers sworn to protect the public and enforce the law are in danger. Last year, an horrific incident along the Vermont and New Hampshire border underscores the need for the quick passage of this legislation to provide maximum protection to those who protect us. On August 19, 1997, federal, state and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. He had shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega was killed.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, was seriously wounded in the incident. I am glad that Officer Pfeifer is back on the job after being hospitalized in serious condition. Had it not been for his bulletproof vest, I fear that he and his family might well have paid the ultimate price.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. We all grieve for them and our hearts go out to their families. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons, but the tragedy underscores the point that all of our law enforcement officers, whether federal, state or local, deserve the best protection we can provide, including bulletproof vests.

With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Act of 1998 will help by creating a new partnership between the federal government and state and local law enforcement agencies to help save the lives of police officers by providing the resources for each and every law enforcement officer in harm's way to have a bulletproof vest. Our bipartisan bill would create a $25 million matching grant program within the Department of Justice dedicated to helping State and local law enforcement agencies purchase body armor.

In my home State of Vermont, our bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials. Just last week I was honored to be joined by Vermont Attorney General William Sorrell, Vermont Commissioner of Public Safety James Walton, Vermont State Police Director John Sinclair, Vermont Fish and Wildlife Lieutenant Robert Rooks, South Burlington Police Chief Lee Graham, South Burlington Vermont Officer Diane Reynolds as we spoke about state and local law enforcement officers' need for body armor.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our nation's law enforcement officers put their lives at risk in the line of duty every day. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be "routine." In fact, the National Association of Chiefs of Police just reported that 21

police officers were killed in the line of duty last month, nearly double the toll for the month of January in both 1997 and 1996. More than ever, each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

Senator CAMPBELL and I have the support of the Fraternal Order of Police and many other law enforcement groups for this proposal. I urge my colleagues to support this bipartisan legislation and its quick passage into law.

Mr. D'AMATO. Mr. President, in 1996, one violent crime was committed every nineteen seconds in the United States. According to the Uniform Crime Reports, firearms were the weapons used in 29% of all murders, robberies and aggravated assaults, collectively, that year. When a crime occurs, no matter what the crime or the weapons used, the first action taken is to call the police. Law enforcement rushes to the rescue, risking their own lives in the process.

It is imperative that we do all we can to assist the police in handling these volatile situations. That is why I join with Senators CAMPBELL and LEAHY in introducing the Bulletproof Vest Partnership Grant Act—a bill that will provide funding for equipment that is critical to preserve the lives of our law enforcement. The "equipment" of which I speak is a bullet proof vest. Under this bill, the federal government will pay half the cost for the purchase of armor vests for a State and local law enforcement.

This bill promotes the purchases of these life-saving vests. The need for them is proven over and over again. Nationwide, the FBI estimates that nearly one third of the 1,182 law enforcement officers killed by a firearm in the line of duty since 1980 would be alive if they had worn a bullet proof vest.

Just this past December, Rochester, New York was rocked by the shooting of three police officers. Rochester Police Officers Mark G. Dibelka and Thomas DiFante were both shot in the chest and Sgt. Michael Kozak was shot in the arm. All three men lived —thanks to the bulletproof vests. These heroes will live to see the judicial process at work against the criminal charged with three counts of first degree attempted murder. Due to the bullet proof vests, we are able to wish these men a speedy recovery.

In New York City, the lives of two officers were saved with a bulletproof vest. A convicted drug dealer is accused of shooting two officers, firing three shots at Detective Wafkey Salem in the chest and shot at Detective Lourdes Gonzalez' shoulder. These officers lived to tell their stories.

The Bulletproof Vest Partnership Grant Protection Act of 1998 authorizes $25 million of federal funds to be matched with State and localities funds for the purchase of armor vests. Any agent or officer that prevents, detects or investigates crimes, or supervises sentenced offenders, will be able to receive a bulletproof vest with the assistance of this grant—that includes law enforcement and correction officers.

Special attention is paid to rural areas, with at least 50% of the funds available to jurisdictions with populations of 100,000 or less. Each state would receive a minimum of .75% of the total federal funds, including Puerto Rico. The bill also includes a maximum of 5% that can be drawn to each state, including the grantees of that state. The only restriction is that the armor vests are not made by prison labor, a very reasonable requirement, especially in light of the nature of the life-saving equipment. This legislation also recognizes that the equipment purchased with federal assistance should be made in the United States.

Law enforcement officers risk their lives for people, and we owe it to them to make sure the risks are at a minimum. We owe it to the men and women who go to work every day and have no idea what dangerous situation awaits them—and we owe it to their families. This bill should be passed, swiftly and, I hope, with the full support of the Senate.

Mr. HOLLINGS. Mr. President, today I am proud to co-sponsor a bill which will be an essential component of the war on crime. The Bulletproof Vest Partnership Act, which was introduced today, will save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor.

Providing body armor to more law enforcement agencies will greatly reduce injuries and fatalities among officers. The FBI estimates that more than 40 percent of the 1,182 officers killed in the line of duty by a firearm since 1980 would have lived had they worn bullet-resistant vests. In fact, the FBI considers the risk of death to officers not wearing armor to be 14 times greater than that for officers wearing body armor.

Mr. President, today 150,000 law officers in the United States do not have access to this essential equipment. This is unacceptable. These brave men and women risk their lives every day to enforce the law and protect and serve the public. The least we can do is afford them the greatest degree of protection possible as they fight crime in our communities.

The Bulletproof Vest Partnership Act of 1998 will provide state and local law enforcement officers with the critical equipment they need to protect their officers in the line of duty. This bipartisan bill will create a $25 million grant program in the Department of Justice to provide matching funds to state and local law enforcement agencies to purchase body armor. I would like to underscore the importance of the word "Partnership" in this bill. This grant program will continue the effective federal-state-local partnerships that have proved so successful in the war on crime.

One of the greatest features of this bill, Mr. President, is that it prefers law enforcement agencies that cannot now provide body armor for their officers. This is especially helpful to small and rural jurisdictions. In fact, the Bulletproof Vest Partnership Act requires the Justice Department to provide at least 50% of the grant program's funds to small jurisdictions comprising fewer than 100,000 people. This provision is especially important in states like South Carolina, where the vast majority of jurisdictions fit this description.

The Fraternal Order of Police, National Sheriff's Association, International Union of Police Associations, and Police Executive Research Forum all endorse this bill, Mr. President. These groups understand better than anyone the importance of this legislation. They know from firsthand experience that body armor often can mean the difference between life and death for an officer.

If we are serious about fighting crime, we must ensure the safety of our law enforcement officers. The best way to do this is to provide state and local law enforcement agencies with the funds to purchase new equipment such as body armor for their officers. Though we cannot protect every law officer from danger, we can and must ensure that they have the best equipment available to protect themselves while in the line of duty.

The Bulletproof Vest Partnership Act will do all these things. I am proud to co-sponsor it, and I encourage all my colleagues to support this bipartisan legislation. Let us do our part in the war on crime.

Mr. JOHNSON. Mr. President, I rise today in support of the Bullet Proof Vest Partnership Act of 1998 introduced by Senator LEAHY and Senator CAMPBELL. I am an original cosponsor of this legislation and I want to take this opportunity to commend my colleagues for their work in addressing this issue. This bill is about saving lives and protecting the men and women in law enforcement who keep our communities safe. There are few opportunities for the Congress to help local law enforcement, and I thank Senators LEAHY and CAMPBELL for bringing this grant program to the attention of the Senate.

The Bullet Proof Vest Partnership Act will establish a $25 million matching grant program within the Department of Justice to help state, local and tribal law enforcement agencies purchase needed body armor. According to

the Department of Justice, approximately 150,000 state and local law enforcement officers, nearly 25 percent, are not issued body armor. Justice estimates that the risk of fatality for officers while not wearing body armor is 14 times higher than for officers equipped with protection on the job.

While law enforcement in my rural state of South Dakota does not face the volume of high risk and hazardous situations that police forces in New York or California contend with every day, one preventable death is too many, and this program will help every community protect their officers. To that end, Senators LEAHY and CAMPBELL were careful to structure this program to guarantee access for rural states and communities. Under the small state minimum in the Leahy-Campbell bill, South Dakota would be eligible for at least $187,000 per year in federal matching grant funds. The bill also gives the Department of Justice the discretion to lower or waive the matching requirement for communities facing financial hardship. Life saving body armor can run $500–700, keeping bullet proof vests out of reach for many small and rural communities with extremely limited resources.

I also strongly support the recognition of Indian tribal law enforcement needs included in this bill. Juvenile crime and gang activity are on the rise on rural reservations, and resources are continually scarce. This bill will allow tribes to access funds on equal footing with state and local police forces. I am committed to encouraging cooperation between tribal and non-tribal law enforcement agencies in my state and throughout the country for the important and shared goal of combating crime nationwide. Recognizing tribal law enforcement through this grant program is an important step forward.

Mr. President, the need to protect our law enforcement officers is pressing. This legislation will outfit our law enforcement officers with the equipment necessary to protect themselves while protecting our families. I encourage speedy Judiciary Committee consideration of this initiative and urge full Senate support for this much needed grant program.

By Mr. WELLSTONE (for himself, Mr. KENNEDY and Mr. HARKIN):

S. 1606. A bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

THE TORTURE VICTIMS RELIEF ACT

Mr. WELLSTONE. Mr. President, today I am introducing the Torture Victims Relief Act of 1998. I am joined today by Senator KENNEDY and Senator HARKIN as original cosponsors of this measure. This legislation outlines a comprehensive strategy for providing critical assistance to refugees, asylees, and parolees who are torture survivors in the U.S. and abroad. It also protects asylum seekers from being involuntary returned to a country where they have reasonable grounds to fear subjection to torture. This legislation provides a focus and a framework for a newly reenergized debate about where torture survivors, and our response to the practice of torture by other countries, fit within our foreign policy priorities.

Late in the 103rd Congress, I introduced with Senator Durenburger the Torture Victim's Relief Act, which laid down a bipartisan marker on the issue. I reintroduced it in the 104th, along with Republicans and Democrats alike, pressing forward on several fronts.

I hope that enactment of this legislation will be a watershed in the movement to garner broader public and private support, both here and abroad, for much-needed torture rehabilitation programs. Specifically, the Torture Victims Relief Act would authorize funds for domestic refugee assistance centers as well as bilateral assistance to torture treatment centers worldwide. It would also change our immigration laws to give a priority to torture survivors and provide for specialized training for U.S. consular personnel who deal with torture survivors.

Finally, the bill would allow an increase in the U.S. contribution to the U.N. Voluntary Fund for Torture Victims, which funds and supports rehabilitation programs worldwide. In 1997 this fund contributed about $3.4 million to nearly 100 projects in more than 50 countries. I believe that continuing to expand the U.S. contribution to the fund is necessary as a show of genuine U.S. commitment to human rights, and I will continue to push until these programs receive the funding they need and deserve.

Mr. President, the practice of torture is one of the most serious human rights issues of our time. Governmental torture, and torture being condoned by officials of governments, occurs in at least 70 countries today. We need look no farther than today's headlines about Algeria, Turkey, Iraq, Bosnia, Rwanda, China and Tibet to know that we will be dealing with the problems that torture victims face for many years.

In many countries torture is routinely employed in police stations to coerce confessions or obtain information. Detainees are subjected to both physical and mental abuse. Methods include beatings with sticks and whips; kicking with boots; electric shocks; and suspension from one or both arms. Victims are also threatened, insulted and humiliated. In some cases, particular those involving women, victims are stripped, exposed to verbal and sexual abuse. Medical treatment is often withheld, sometimes resulting in death.

In China, torture of detainees and prisoners is not uncommon, as exemplified by Chen Longde's case. In 1996, one month after his conviction without trial, Chen leapt from a two-story prison walkway in an attempt to avoid repeated beatings and electric shocks from a senior prison official as punishment for his refusal to write a statement of guilt and self-criticism.

Richard Oketch was tortured by the Ugandan military. He was imprisoned for a total of a year in various military compounds near his home. His hands were shackled to his feet, he was denied food and sleep, and he was beaten regularly. Oketch managed to flee Uganda and eventually, with the help of the United Nations, he made it to the United States. However, the emotional scars of watching his family members and dozens of friends slaughtered left him for a time, unable to function in society.

Today Oketch holds a master's degree and works as a program specialist for the St. Paul Public School. He credits his transformation to the treatment he received at the Minnesota Center for Victims of Torture. There Oketch received the services he needed to deal with his grief and become an active member of his community. Unfortunately, Oketch's story is the exception, not the rule. Most torture survivors, even those who are granted asylum in the United States, never receive the treatment they need.

We can and must do more to stop horrific acts of torture, and to treat its victims. Treating torture victims must be a much more central focus of our efforts as we work to promote human rights worldwide.

Providing treatment for torture survivors is one of the best ways we can show our concern for human rights around the world. The United States and the international community have been increasingly aware of the need to prevent human rights abuses and to punish the perpetrators when abuses take place. But too often we have failed to address the needs of the victims. We pay little if any attention to the treatment of victims after their rights have been violated.

This commitment to protect human rights is one shared by many around the world. In 1984 the U.N. approved the United Nations' Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment. The U.S. Senate ratified it in April of 1994. Although Congress has taken some steps to implement parts of the Convention, we have not yet taken action to provide sufficient rehabilitation services in the spirit of the language of Article 14 of the Convention which provides that the victim of an act of torture has: "the means for as full a rehabilitation as possible."

We have also failed to adopt implementing legislation for Article 3 which states that "No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." Without legislation implementing this article, it is possible for the United States to return someone to a country even where there are substantial grounds for believing the person would be subjected to torture. This legislation would help ensure that the U.S. is fulfilling its obligation under the Convention Against Torture.

There also exists a great need for the rehabilitation programs supported by this legislation. Without active programs of healing and recovery, torture survivors often suffer continued physical pain, depression and anxiety, intense and incessant nightmares, guilt and self-loathing. They often report an inability to concentrate or remember. The severity of the trauma makes it difficult to hold down a job, study for a new profession, or acquire other skills needed for successful adjustment into society.

In Minnesota, we began to think about the problem of torture, and act on it, over ten years ago. The Center for Victims of Torture in Minneapolis is the only fully-staffed torture treatment facility in the country and one of just a few worldwide. The Center offers outpatient services which can include medical treatment, psychotherapy and help gaining economic and legal stability. Its advocacy work also helps to inform people about the problem of torture and the lingering effects it has on victims, and ways to combat torture worldwide. The Center has treated or provided services to hundreds of people since its founding in 1985.

Some of the often shrill public rhetoric these days seems to argue that we as a nation can no longer afford to remain engaged with the world, or to assist the poor, the elderly, the feeble, refugees, those seeking asylum—those most in need of aid who are right here in our midst. The Center for Victims of Torture stands as a repudiation of that idea. Its mission is to rescue and rehabilitate people who have been crushed by torture, and it has been accomplishing that mission admirably over the last ten years. It is a light of hope in the lives of those who have for so long seen only darkness, a darkness brought on by the brutal hand of the torturer.

I would like to thank the distinguished human rights leaders who helped craft this bill, including those at the Center for Victims of Torture in Minneapolis and others in the human rights community here in Washington and in Minnesota. Without their energy and skills as advocates for tough U.S. laws which promote respect for internationally-recognized human rights worldwide, the cause of human rights here in the U.S. would be seriously diminished. I salute them today. We must commit ourselves to aiding torture survivors and to building a world in which torture is relegated to the dark past. My hope is that we can help bring about a world in which the need for torture treatment programs becomes obsolete. I urge my colleagues to cosponsor this bill, and I urge its timely passage.

I ask unanimous consent that a partial list of organizations supporting the Torture Victims Relief Act be printed in the RECORD with a copy of the bill.

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

S. 1606

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 "Torture Victims Relief Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The American people abhor torture by any government or person. The existence of torture creates a climate of fear and international insecurity that affects all people.

(2) Torture is the deliberate mental and physical damage caused by governments to individuals to destroy individual personality and terrorize society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

(3) By eliminating leadership of their opposition and frightening the general public, repressive governments often use torture as a weapon against democracy.

(4) Torture survivors remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture survivors are threatened with reprisals, including torture, for carrying out their ethical duties to provide care. Both the survivors of torture and their treatment providers should be accorded protection from further repression.

(5) A significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers, together with overall efforts to eliminate torture.

(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

(9) The United States became a party to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment on November 20, 1994, but has not implemented Article 3 of the Convention.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) IN GENERAL.—Except as otherwise provided, the terms used in this Act have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(2) TORTURE.—The term "torture" has the meaning given the term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

SEC. 4. PROHIBITION ON INVOLUNTARY RETURN OF PERSONS FEARING SUBJECTION TO TORTURE.

(a) PROHIBITION.—Notwithstanding any other provision of law, the United States shall not expel, remove, extradite, or otherwise return involuntarily an individual to a country if there is substantial evidence that a reasonable person in the circumstances of that individual would fear subjection to torture in that country.

(b) DEFINITION.—For purposes of this section, the term "to return involuntarily", in the case of an individual, means—

(1) to return the individual without the individual's consent, whether or not the return is induced by physical force and whether or not the person is physically present in the United States; or

(2) to take an action by which it is reasonably foreseeable that the individual will be returned, whether or not the return is induced by physical force and whether or not the person is physically present in the United States.

SEC. 5. IMMIGRATION PROCEDURES FOR TORTURE VICTIMS.

(a) COVERED ALIENS.—An alien described in this section is any alien who presents a claim of having been subjected to torture, or whom there is reason to believe has been subjected to torture.

(b) CONSIDERATION OF THE EFFECTS OF TORTURE.—In considering an application by an alien described in subsection (a) for refugee status under section 207 of the Immigration and Nationality Act, asylum under section 208 of that Act, or withholding of removal under section 241(b)(3) of that Act, the appropriate officials shall take into account—

(1) the manner in which the effects of torture might affect the applicant's responses in the application and in the interview process or other immigration proceedings, as the case may be;

(2) the difficulties torture victims often have in recounting their suffering under torture; and

(3) the fear victims have of returning to their country of nationality where, even if torture is no longer practiced or the incidence of torture is reduced, their torturers may have gone unpunished and may remain in positions of authority.

(c) EXPEDITED PROCESSING OF REFUGEE ADMISSIONS.—For purposes of section 207(c) of the Immigration and Nationality Act (8 U.S.C. 1157(c)), refugees who have been subjected to torture shall be considered to be refugees of special humanitarian concern to the United States and shall be accorded priority for resettlement at least as high as that accorded any other group of refugees.

(d) PROCESSING FOR ASYLUM AND WITHHOLDING OF REMOVAL.—Section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) is amended by adding at the end the following new clause:

"(iv) SPECIAL PROCEDURES FOR ALIENS WHO ARE THE VICTIMS OF TORTURE.—

"(I) EXPEDITED PROCEDURES.—With the consent of the alien, an asylum officer or immigration judge shall expedite the scheduling of an asylum interview or a removal proceeding for any alien who presents a claim of having been subjected to torture, unless the evidence indicates that a delay in making a determination regarding the granting of asylum under section 208 of the Immigration and Nationality Act or the withholding of removal under section 241(b)(3) of that Act with respect to the alien would not aggravate the physical or psychological effects of torture upon the alien.

"(II) DELAY OF PROCEEDINGS.—With the consent of the alien, an asylum officer or immigration judge shall postpone an asylum interview or a removal proceeding for any alien who presents a claim of having been subjected to torture, if the evidence indicates that, as a result of the alien's mental or physical symptoms resulting from torture, including the alien's inability to recall or relate the events of the torture, the alien will require more time to recover or be treated before being required to testify."

(e) PAROLE IN LIEU OF DETENTION.—The finding that an alien is a person described in subsection (a) shall be a strong presumptive basis for a grant of parole, under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), in lieu of detention.

(f) EXEMPTION FROM EXPEDITED REMOVAL.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended by inserting before the period at the end the following: ", or to an alien described in section 5(a) of the Torture Victims Relief Act".

(g) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should allocate resources sufficient to maintain in the Resource Information Center of the Immigration and Naturalization Service current information relating to the use of torture in foreign countries.

SEC. 6. SPECIALIZED TRAINING FOR CONSULAR, IMMIGRATION, AND ASYLUM PERSONNEL.

(a) IN GENERAL.—The Attorney General shall provide training for immigration inspectors and examiners, immigration officers, asylum officers, immigration judges, and all other relevant officials of the Department of Justice, and the Secretary of State shall provide training for consular officers, with respect to—

(1) the identification of torture;

(2) the identification of the surrounding circumstances in which torture is most often practiced;

(3) the long-term effects of torture upon a victim;

(4) the identification of the physical, cognitive, and emotional effects of torture, and the manner in which these effects can affect the interview or hearing process; and

(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a) (4) or (5), gender-specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.

SEC. 7. DOMESTIC TREATMENT CENTERS.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended by adding at the end the following new subsection:

"(b) ASSISTANCE FOR TREATMENT OF TORTURE VICTIMS.—The Secretary may provide grants to programs in the United States to cover the cost of the following services:

"(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

"(2) Social and legal services for victims of torture.

"(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).".

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 1999, 2000, and 2001, but not from funds made available to the Office of Refugee Resettlement, there are authorized to be appropriated to carry out section 412(g) of that Act (relating to assistance for domestic centers and programs for the treatment of victims of torture), as added by subsection (a), the following amounts for the following fiscal years:

(A) For fiscal year 1999, $5,000,000.

(B) For fiscal year 2000, $7,500,000.

(C) For fiscal year 2001, $9,000,000.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998.

SEC. 8. FOREIGN TREATMENT CENTERS.

(a) AMENDMENTS OF THE FOREIGN ASSISTANCE ACT OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end of chapter 1 the following new section:

"SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.

"(a) IN GENERAL.—The President is authorized to provide assistance for the rehabilitation of victims of torture.

"(b) ELIGIBILITY FOR GRANTS.—Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries that are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effects of the torture.

"(c) USE OF FUNDS.—Such assistance shall be available—

"(1) for direct services to victims of torture; and

"(2) to provide research and training to health care providers outside of treatment centers or programs described in subsection (b), for the purpose of enabling such providers to provide the services described in paragraph (1).".

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 1999, 2000, and 2001 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President $5,000,000 for fiscal year 1999, $7,500,000 for fiscal year 2000, and $9,000,000 for fiscal year 2001 to carry out section 129 of the Foreign Assistance Act, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998.

SEC. 9. MULTILATERAL ASSISTANCE.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1999, 2000, and 2001 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the "Fund") the following amounts for the following fiscal years:

(1) FISCAL YEAR 1999.—For fiscal year 1999, $3,000,000.

(2) FISCAL YEAR 2000.—For fiscal year 2000, $3,000,000.

(3) FISCAL YEAR 2001.—For fiscal year 2001, $3,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

PARTIAL LIST OF ORGANIZATIONS SUPPORTING THE TORTURE VICTIMS RELIEF ACT

Advocates for Survivors of Trauma and Torture, Baltimore, MD.

American-Arab Anti-Discrimination Committee.

American Civil Liberties Union.

American Immigration Lawyers Association.

American Kurdish Information Network (AKIN).

American Psychiatric Association.

American Psychological Association.

Amnesty International U.S.A.

Asia Pacific Center for Justice and Peace.

Center for Reproductive Law and Policy.

Center for Victims of Torture.

Church in America.

Church World Services Immigration and Refugee Program.

Coalition Missing.

Episcopal Church People for a Free Southern Africa.

Guatemala Human Rights Commission/U.S.A.

Human Rights Access.

Human Rights Advocates.

Human Rights Watch.

Institute for Study of Genocide.

Institute for the Study of Psycho-Social Trauma.

International Campaign for Tibet.

International Human Rights Law Group.

Khmer Health Advocates, West Hartford, CT.

Lutheran Immigration and Refugee Service.

Lutheran Office for Governmental Affairs, Evangelical Lutheran.

Marjorie Kovler Center for the Treatment of Survivors of Torture.

Maryknoll Justice and Peace.
Mental Disability Rights International.
Midwest Coalition on Human Rights.
National Spiritual Assembly of the Baha'is of the U.S.
People's Decade of Human Rights Education.
Physicians for Human Rights.
Robert F. Kennedy Memorial Center for Human Rights.
Rocky Mountain Survivors Center, Denver, CO.
Travelers Aid of New York.
Ursuline Sisters of Mt. St. Joseph.
United Church Board for World Ministries.
United Methodist General Board of Church and Society.
Washington Kurdish Institute.
Washington Office on Latin America.
World Organization Against Torture U.S.A.
World Sindhi Institute.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. HOLLINGS, Mr. BURNS, and Mr. KERRY):

S. 1609. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress in its activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Mr. FRIST. Mr. President, advances in computer networking have led to some of the most significant developments of the last decade. We have all been touched one way or another by the Internet and the networking protocols that form the World Wide Web. Its presence is being felt in schools, businesses and homes across the country. Many people already come to rely on the Internet as their source for news and information. Now, electronic commerce is beginning to emerge as a significant source of network traffic, so it appears that more individuals are relying on the Internet for purchases as well.

By any measure, the Internet is a success. It is a fast-paced living laboratory where every day brings new innovation and applications. The Internet's culture of rapid innovation stems from its days as a research vehicle sponsored by the Defense Advanced Projects Research Agency (DARPA). This original federal investment in university based research and development has grown to pay dividends to our country in the form of new technology, new jobs and economic growth. The Internet has also served as a case study in the proper role of the federal government in science and technology. Although the research was first sponsored by the Department of Defense, multiple agencies have come to play a significant role in the development and commercialization of the Internet. In particular, the National Science Foundation demonstrated how to successfully transition the management of an operational system, the Internet, from the public to the private sector.

Today's Internet is a flexible, robust network, but already some of its limits have been reached. There are fascinating applications running in the laboratory that simply cannot be run on the Internet as it is today. Recently, I had a first hand look at a prime example: the virtual reality "Immersion Desk" collaboration. As a physician, I found it fascinating to take a guided tour of a human ear, seeing its structure in three dimensions, and able to interact with the guide and the structure in real time. It was immediately obvious to me the educational benefits that will come from putting similar devices in the hands of our nation's teachers and students. However, until the Internet's infrastructure limitations have been overcome, these applications will remain outside the reach of those who can benefit the most.

Some of the limits that now impede advanced applications can be overcome through a straightforward application of existing technology, but there is an entire class of problems that requires new approaches. I believe that our nation's research and development enterprise holds the key. That is why I rise today to offer the "Next Generation Internet Research Act of 1998." This legislation funds the agencies that are involved in creating advanced computer networking technology that will make tomorrow's Internet faster, more versatile, more affordable, and more accessible than today. The agencies funded by this legislation: The Department of Defense (DOD), the National Science Foundation (NSF), the Department of Energy (DoE), the National Aeronautics and Space Administration (NASA), and the National Institute of Standards and Technology (NIST), each have a role to play in moving forward the state of the art in computer networking and network applications. The NGI program will provide grants to our universities and national laboratories to perform the research that will surmount these technical challenges and create a network that is 100 to 1000 times faster than the current Internet.

Today, many that are located in rural areas of the country such as portions of eastern Tennessee, find that high speed access to the Internet is too expensive and difficult to obtain. Researchers from select states enjoy access to high bandwidth Internet connections at costs that are sometimes one-eighth the rate of their rural colleagues. This legislation acknowledges this geographical penalty and encourages networking researchers to look at this problem as a research challenge. Emphasis must be placed on finding new technology that permits high speed information access without leaving large sections of the country behind.

Mr. President, I believe that the passage of this legislation will continue the tradition of prudent and successful federal investment in science and technology. The Internet truly is a success story. One that could not have been written without federal support. One that has already paid for itself through the creation of jobs and technology for Americans. The last chapter of the Internet success story is far from being written, and with this legislation, we are helping to ensure that the Internet will reach its potential to provide greater educational and economic benefits to the country. I ask for support in passing this key legislative initiative.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

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

S. 1609

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 "Next Generation Internet Research Act of 1998".

SEC. 2. DEFINITIONS.

(a) TERMS USED IN THIS ACT—For purposes of this Act—

(1) INTERNET.—The term "Internet" has the meaning given such term by section 230(e)(1) of the Communications Act of 1934 (47 U.S.C. 230(e)(1)).

(2) GEOGRAPHIC PENALTY.—The term "geographic penalty" means the imposition of costs on users of the Internet in rural or other locations attributable to the distance of the user from network facilities, the low population density of the area in which the user is located, or other factors, that are disproportionately greater than the costs imposed on users in locations closer to such facilities or on users in locations with significantly greater population density.

(b) DEFINITION OF NETWORK IN HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Paragraph (4) of section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended by striking "network referred to as the National Research and Education Network established under section 102; and" and inserting "network, including advanced computer networks of Federal agencies and departments; and".

SEC. 3. FINDINGS.

(a) IN GENERAL.—The Congress finds that—

(1) United States leadership in science and technology has been vital to the Nation's prosperity, national and economic security, and international competitiveness, and there is every reason to believe that maintaining this tradition will lead to long-term continuation of United States strategic advantages in information technology;

(2) the United States' investment in science and technology has yielded a scientific and engineering enterprise without

peer, and that Federal investment in research is critical to the maintenance of United States leadership;

(3) previous Federal investment in computer networking technology and related fields has resulted in the creation of new industries and new jobs in the United States;

(4) the Internet is playing an increasingly important role in keeping citizens informed of the actions of their government; and

(5) continued inter-agency cooperation is necessary to avoid wasteful duplication in Federal networking research and development programs.

(b) ADDITIONAL FINDINGS FOR THE 1991 ACT.—Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended by—

(1) striking paragraph (4) and inserting the following:

"(4) A high-capacity, flexible, high-speed national research and education computer network is needed to provide researchers and educators with access to computational and information resources, act as a test bed for further research and development for high-capacity and high-speed computer networks, and provide researchers the necessary vehicle for continued network technology improvement through research."; and

(2) adding at the end thereof the following:

"(7) Additional research must be undertaken to lay the foundation for the development of new applications that can result in economic growth, improved health care, and improved educational opportunities.

"(8) Research in new networking technologies holds the promise of easing the economic burdens of information access disproportionately borne by rural users of the Internet.

"(9) Information security is an important part of computing, information, and communications systems and applications, and research into security architectures is a critical aspect of computing, information, and communications research programs.".

SEC. 4. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

(1) to served as the first authorization in a series of computing, information, and communication technology initiatives outlined in the High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.) that will include research programs related to—

(A) high-end computing and computation;

(B) human-centered systems;

(C) high confidence systems; and

(D) education, training, and human resources; and

(2) to provide for the development and coordination of a comprehensive and integrated United States research program which will—

(A) focus on the research and development of a coordinated set of technologies that seeks to create a network infrastructure that can support greater speed, robustness, and flexibility than is currently available and promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;

(B) focus on research in technology that may result in high-speed data access for users that is both economically viable and does not impose a geographic penalty; and

(C) encourage researchers to pursue approaches to networking technology that lead to maximally flexible and extensible solutions wherever feasible.

(b) MODIFICATION OF PURPOSES OF THE 1991 ACT.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended by—

(1) striking the section caption and inserting the following:

"SEC. 3. PURPOSES.";

(2) striking "purpose of this Act is" and inserting "purposes of this Act are";

(3) striking "universities; and" in paragraph (1)(I) and inserting "universities;";

(4) striking "efforts." in paragraph (2) and inserting "network research and development programs;"; and

(5) adding at the end thereof the following:

"(3) promoting the further development of an information infrastructure of information stores, services, access mechanisms, and research facilities available for use through the Internet;

"(4) promoting the more rapid development and wider distribution of networking management and development tools; and

"(5) promoting the rapid adoption of open network standards.".

SEC. 5. DUTIES OF ADVISORY COMMITTEE.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end thereof the following:

"SEC. 103. ADVISORY COMMITTEE.

"(a) IN GENERAL.—In addition to its functions under Executive Order 13035 (62 F.R. 7231), the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet, established by Executive Order No. 13035 of February 11, 1997 (62 F.R. 7231) shall—

"(1) assess the extent to which the Next Generation Internet Program—

"(A) carries out the purposes of this Act;

"(B) addresses concerns relating to, among other matters—

"(i) geographic penalties (as defined in section 2(2) of the Next Generation Internet Research Act of 1998); and

"(ii) technology transfer to and from the private sector; and

"(2) assess the extent to which—

"(A) the role of each Federal agency and department involved in implementing the Next Generation Internet program is clear, complementary to and non-duplicative of the roles of other participating agencies and departments; and

"(B) each such agency and department concurs with the role of each other participating agency or department.

"(b) REPORTS.—The Advisory Committee shall assess implementation of the next Generation Internet initiative and report, not less frequently than annually, to the President, the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Science on its findings for the preceding fiscal year. The first such report shall be submitted 6 months after the date of enactment of the Next Generation Internet Research Act of 1998 the last report shall be submitted by September 30, 2000.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 5 of this Act, is amended by adding at the end thereof the following:

"SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for the purpose of carrying out the Next Generation Internet program the following amounts:

"Agency	FY 1999	FY 2000
"Department of Defense	$42,500,000	$45,000,000
"Department of Energy	$20,000,000	$25,000,000
"National Science Foundation	$25,000,000	$25,000,000
"National Institutes of Health	$5,000,000	$7,500,000
"National Aeronautics and Space Administration	$5,000,000	$5,000,000
"National Institute of Standards and Technology	$5,000,000	$7,500,000".

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleague Senator FRIST in introducing legislation to authorize the Next Generation Internet (NGI) Program for fiscal years 1999 and 2000. This bill funds the NGI program, which actually involves six agencies, at $102.5 million for FY99 and $115 million for FY2000. It would also require the Advisory Committee on High Performance Computing and Communication Information Technology and Next Generation Internet to oversee the program and report to the President and the Congress on its activities.

As everyone in the Senate knows, I have been a long and ardent supporter of the Internet and Internet-related research. In fact, I would point to the current Internet as an example of what the government can do right. When the Internet was started, it was a government funded network for researchers and military personnel. It was expected to grow, but not into the commercially supported network with a $250 billion market base that it is today, and it is still growing. This rate of return on a rather modest government investment is something that any investment banker would love to achieve. An added benefit is that this modest government investment has allowed U.S. industry to become the world leader in most Internet-related markets.

I also want to commend the Clinton Administration for their steadfast commitment to a clearly needed leadership role in charting the future of the Internet, and yet in also working closely with the affected industries, the academic community, and many others whose contributions to future applications and possibilities are almost endless. I am pleased to now work with Senator FRIST, the dedicated chairman of the Senate's Commerce Subcommittee on Science, Technology, and Space, to provide a further foundation for this important work through this legislation.

The current Internet is a victim of its own success. As more and more people come on-line, the network gets more and more crowded. People are beginning to think that the "www" in Internet addresses stands for "world-wide wait" rather than "world-wide web". Therefore, I fully support the idea of increasing the speed, reliability and usefulness of the Internet. With increases in speed and efficiency of data transfer, hopes of distance learning with real-time video and audio, remote access image libraries, and more use of telemedicine, will become practical realities. In addition, with increases in

bandwidth, I am sure that U.S. researchers will come up with new applications that we cannot even think of today.

Do not think that it is a coincidence that all the applications I just listed have to do with remote access to data. The ability to give those that do not have easy physical access quick and reliable electronic access to resources is, I feel, one of the Internet's greatest benefits to society. As history has shown us, it would be extremely easy for a situation to arise in which there are states with NGI capabilities and states without, if there is not balanced representation in the decision-making process. Due to the increased computing power and ability to collaborate with other NGI network institutions, NGI states could have a large advantage over non-NGI states when applying for grants and participation. With this in mind, I am glad to point out that this bill formally addresses geographic concerns for rural institutions and users.

As I stated earlier, I have always been a firm supporter of the Internet, and will continue to support research in this area. This bill authorizes an innovative inter-agency program to increase the speed, reliability and usefulness of the Internet. I encourage my colleagues to support this bill.

By Mr. DODD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. INOUYE, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. KERREY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. BUMPERS, Mrs. BOXER, AND Mr. KERRY):

S. 1610. A bill to increase the availability, affordability, and quality of child care; to the Committee on Finance.

THE CHILD CARE A.C.C.E.S.S. ACT

Mr. DODD. Madam President, the bill I send to the desk I send on behalf of myself and 24 of my colleagues whose names are included on the introduction of the legislation. The bill I have sent to the desk is called the Child Care and ACCESS bill, "ACCESS" standing for Affordable Child Care for Early Success and Security. As I said, I am pleased to be joined by 24 of my colleagues. There may be others in the coming days who care to join us in presenting what we believe is a comprehensive approach to dealing with an issue that I think all Americans—certainly I hope all in this Chamber—will recognize as a crisis: That is the crisis of child care.

Almost on a daily basis, we read stories of children in child care settings who are left alone and then are discovered either with serious injury or worse. Many of them are left in certified and accredited child care centers. These stories highlight the critical importance of this issue. This is an issue that now affects 13 million children, the overwhelming majority of whom come from families where there is either a single parent or both parents must work in order to provide for the basic needs of their families.

We have often felt in this country that we should not ask parents to make a choice between the job they need and the children they love, so child care has become a necessity. The question now is can we make it affordable for families? At a cost of $4,000 to $10,000 a year per child, is care accessible for parents who need it? Is the care they find going to be in a quality setting, where a child is safe? If the provider is a qualified parent, obviously her or she can provide for the needs of the child. But in this country, we know that too often qualified parents, in order to provide for the economic needs of their family, must provide a child care setting for their children.

There's the issue of after-school care. 5 million children are home alone in this country. Any chief of police in this Nation will tell you that the most dangerous time for these children is not after 11 p.m. at night when many of the curfews are invoked, but rather between 3 and 8 o'clock, in the afternoon, when children are unsupervised. We don't have after-school programs for these kids where they can either stay in school or be involved in a worthwhile outside academic experience. So, there is a need here.

When we discuss child care, we must also consider recent findings concerning early child development. We know how important these first 36 months of a person's life are, about the development of synapses that occur, about the nurturing that must go on in those years. We must make sure that parents can find quality care where there children will be intellectually stimulated, not simply warehoused.

What we are doing today is presenting a piece of legislation which tries to deal in a comprehensive way with this issue of child care. This bill recognizes the needs of parents, working parents, middle-income families, those who are striving to achieve a middle-income status, poorer families in this country, providers who want to provide good child care but don't have the resources to do so, businesses that want to help their employees either by providing a child care setting, and businesses that want to assist their employees with help in attaining child care support.

This legislation also includes an expansion of the Family and Medical Leave Act, a piece of legislation that was signed into law 5 years ago tomorrow. It has already benefited literally thousands and thousands of families across this country.

Today as part of this legislation we are calling for an expansion of the Family and Medical Leave Act by lowering the threshold from 50 employees to 25. We think by including 13 million more Americans who, when faced with the crisis of choosing between their children and their jobs, ought not to be asked to make that choice.

So this legislation includes an expansion of the Family and Medical Leave Act.

At any rate, the challenge before us is certainly a significant one, and that is to create a child care system that works for America's families. As I said, for far too many families today when it comes to child care, they either have no choices or very bad choices. Here are some of the appalling statistics. They are incontrovertible, undeniable.

Child care quality: Only one in seven child care centers provides care that promotes healthy development; child care at one in eight centers actually threatens children's health and safety.

Infants and toddlers, our youngest and most vulnerable children, fare the worst. Almost half of infant and toddler care in our country endangers the health and safety of those who are in those centers.

No State in this Nation has child care regulations in place that can be characterized as good quality standards. Two-thirds of the States have regulations that don't even address the basics—care giver training, safe environments, appropriate provider-child ratios.

Even though we know that well-paid, educated and trained providers make a difference between poor and good quality child care, we pay caregivers in this country—almost all of them women—abysmally, some of them at well below the poverty levels, even though they're caring for our most precious possessions.

As someone said not too long ago, children represent 27 percent of America's population, but they represent 100 percent of our future. These are the children that will be asked to be good employees, good employers, good citizens, and good parents, making a contribution to this Nation in the 21st century.

Yet, for the 13 million children who are in child care environments today, the results are not good at all. We can either recognize that in this country and try and do something about it, or we can sit back and allow our system to continue to deteriorate and then face the judgment of history as to why we didn't stand up and try and put up some of the resources that we have to help these families.

How does a family making $20,000 or $25,000 or $30,000 a year, with 2 or 3 children, afford care at $7, $8, $9, $10 thousand per year per child. The cost of

some child care settings is in excess of some universities.

Child care providers and centers workers average only $12,000 a year in pay, Madam President. That is just at the poverty level for a family of three. Home based providers average $9,000 a year. That is their income.

Those are the people we are asking to provide for our children, making several thousand dollars below the poverty level.

These numbers and statistics, by the way, come from national surveys and studies done by child care centers around the Nation. As I mentioned earlier, full day child care costs run from $4,000 to $10,000 per child. Because of a lack of funding, only an estimated one out of 10 eligible families actually received help in paying for care through the child care block grants which Senator HATCH and I authored eight years ago in this very Chamber.

Good quality child care does cost more than mediocre quality, but not a lot more. An investment of only an additional 10 percent has a significant, positive impact on quality.

And many types of child care remain unavailable at any cost, Madam President. Many new parents are dismayed to learn that care for infants is virtually nonexistent, and the problem is only getting worse. The General Accounting Office estimates that by the time the 50-percent work participation goal is reached in 2002, 88 percent of infants needing child care will not be able to find it. This corresponds to 24,000 young children in Chicago alone without child care.

Let me repeat that. The General Accounting Office, not a partisan organization, estimates that by the time we reach the 50-percent work requirement in 2002, 4 years from now, 88 percent of infants in this country that need child care—we are not talking about choices now, it is not a question that someone is in an income category where they have a choice as to whether or not they are going to put a child in child care or stay home. We are talking about people who absolutely have to have child care. Eighty-eight percent of them will not be able to find it.

We cannot let that happen, and this ought not to be a partisan debate about whether or not we see the facts. We know what is going to occur. Do we stand up and try and address it?

In addition, there is a glaring lack of after-school programs. As I mentioned earlier, 5 million children are home alone. Eighth graders left home alone after school reported a greater use of cigarettes, alcohol, marijuana, the gateway drugs, than those who are in adult-supervised settings.

The challenge, again, facing us is a straightforward one: to find a way to support families in the choices about how their children are cared for. I know that some will argue that child care is a private problem, one that families should be left to solve on their own. However, we don't expect families to shoulder the financial costs of educating their children alone. We provide public schools. We don't expect families to shoulder the burden of providing health care for their children alone. The vast majority of families have that cost subsidized through their employers. And as a nation, we have an interest in well-educated and healthy children, and so we accept that the Federal Government, States and employers play a role in getting us to these laudable goals of public education and health.

Yet, when it comes to child care, we set families adrift. We tell them that it is a private problem, you have to solve it alone. The result is a system in which parents have less, not more, choices. The result is a nation in which child care is too often unaffordable, unavailable and unsafe. I believe that it is a compelling national interest in making sure that our children are safe and well cared for.

I rise today to offer this plan that I have sent to the desk that will broadly improve the ability of families to make the right choice when it comes to their children's care. Twenty-four of my colleagues and myself—25 of us—have offered this bill. There are several main parts in our initiative. Let me touch on them briefly.

One, improving the affordability of child care. Our legislation would provide an additional $7.5 billion over 5 years through the child care and development block grant, that I mentioned that Senator HATCH and I authored some eight years ago, to increase the amount of child care subsidies available to working families. This investment will double the number of children served by the block grant to 2 million by the year 2003.

Secondly, we enhance the quality of child care in early childhood development. This legislation will provide some $3 billion over 5 years to encourage States to invest in activities known to produce significant improvements in the quality of child care. For example, we help the States with this $3 billion to bring provider-child ratios to nationally recommended levels.

Again, I think most people understand this. Even if you have a well-trained adult, if they have too many children they are watching over, it doesn't work well. So we get to these ratios that those who understand this issue think are acceptable. With smaller infants, it is a very small ratio. As the children get a little older, the ratios can be a little broader.

We improve the enforcement of quality standards by conducting unannounced inspections.

Let me, as an aside, say that we had the head of the Defense Department's child care program testify the other day before a group of us. This is the best child care program in the world, by the way. Our Armed Forces serve 200,000 children all over the world every day.

The Defense Department would be the first to tell you not too many years ago they had the most dreadful system which was the subject of severe criticism as a result of national reports that were done on them. They have turned this around and, as I said, have now set up one of the best systems, if not the best system certainly, in this country if not in the world.

One of the things they do is they have unannounced inspections of child care centers on military bases. Just recently, I went to the child care facility at the submarine base in Groton, CT. Really, they are doing a magnificent job—the providers, the staff, the children. This is a great sense of pride for our military personnel, our men and women, who must by necessity have child care.

In the case of submariners, the men are off on submarines for weeks and weeks on end. Their spouses, if they are married with families, are working to supplement their incomes, and they need child care. To the Defense Department's great credit, they put in place a great system. Unannounced inspections make a difference.

Conducting background checks on child care providers. Today, it is hardly done at all. Someone can move from State to State, get a job and then we find out there is a long record of abuse and other problems, and that goes on every day.

Improve the compensation, education, and training of child care providers. I have already shared the statistics on what the average salaries are, $12,000 and $9,000. We pay parking attendants in this country higher salaries than we do people who take care of America's children. Your car is more likely to have someone with a better salary watching over it than your child. That is unacceptable, or should be, to all of us in this country.

Educating parents on how to find good quality child care and ensuring that high quality care is available to children with disabilities.

Those are some of the ways in which we try to help our States in this bill.

Thirdly, we increase the availability and quality of school-age child care. This initiative will provide $3 billion over 5 years to increase the supply and quantity of school-age care through child care development block grants. In addition, we incorporate the model developed by Senator BOXER which ensures that schools play a central role in these efforts by providing the 21st century community learning centers with $1 billion over 5 years to create before- and after-school programs.

Again, as an aside, I think all of us would agree, I hope, that our taxpayers

build wonderful schools around our country, marvelous facilities. In many instances, they open at 8 or 9 in the morning, but then close in the afternoon, and are not open in the evening, weekends, vacations, summer months. We want to see the school buildings get more community use for children in after-school programs, adult education, summer programs, when kids are out of school. There ought to be ways in which we incorporate the use of these facilities to a larger extent than we have been able to.

Fourthly, we expand the dependent care credit. This initiative would also expand the existing dependent care tax credit by nearly $8 billion over 5 years, following the model of Senator HARKIN's earlier child care bill.

We would adjust the sliding scale to increase the credit for families earning under $60,000 and index the credit for inflation to keep pace with the rising child care costs.

We would also make the credit refundable so that families with little or no tax liability, those making under $30,000 a year, can receive assistance with child care expenses. I hope that this will not be a matter that ends up being a significant debate. On refundability, again, when people have incomes under $30,000, they don't pay Federal taxes or very few taxes, and if we don't make this refundable, then they are not going to get the benefit. It is to people at that income level struggling to make ends meet, it seems to me, that refundability is absolutely critical if they are going to get help.

No. 5, supporting family choices in child care. Our legislation would also provide new support for families who make the difficult choice to forgo a second income or career and to stay at home to care for their children. We would allow stay-at-home parents with children under the age of 1 to claim a portion of the dependent care credit. This credit would also be made refundable to allow stay-at-home parents earning under $30,000 to benefit, and it is phased out for families earning over $70,000.

There is a bill that has been introduced by our colleague from Rhode Island, Senator CHAFEE. The Presiding Officer may, in fact, be a cosponsor of that bill. I know we have worked together on these issues. There is a difference here because the proposal being offered, I believe, by Senator CHAFEE treats parents who stay at home exactly the same way we treat parents who can't stay at home.

In our bill, we do it a bit differently. I am very sympathetic of providing some help to parents who can make the choice, but if we provided it on a totally equal basis, it just becomes far too expensive. What we have done here is said, look, we are going to provide this assistance to you in the first year of that child's life. That cuts the cost by two-thirds. The reason I say that is because there are people out here who have no choice. I want to make this case. It is one thing to have the choice, that is a wonderful luxury, but for the overwhelming majority of the 13 million children who are in child care centers, their parents don't have the choice, they have to be there.

It is not a question of "I would like to stay home, I have another spouse that is earning enough." It is not a question of "I want to go play golf or go to the club and play cards." These are people trying very hard on their own or with their spouse to hold their families together. So the choice doesn't exist for them.

So it is not exactly equal in that sense. But I do think we should try to recognize and offer help where they do have stay-at-home parents, particularly for that first year. So we do provide that provision in our bill. I think it is a worthwhile one. I am hopeful we can reach some common ground.

Madam President, we also expand the Family and Medical Leave Act, which I have already mentioned at the outset of my remarks. I invite my colleagues to go to a children's hospital in your State. Go to the waiting room in those hospitals. You will meet the parents who need protection under Family and Medical Leave. They will tell you about the difficulties. They will tell you, if they work for someone who employs 25 to 50 people, how difficult it is. There's the problems with health care, the insurance benefits.

You go out to NIH here. Go to the Ronald McDonald House. Talk to parents who have children with extended illness problems where they can't stay at home, and they have to travel and be with their children. Talk to C. Everett Koop, a pediatrician. He will tell you about a child's recovery rate when they are with a parent, with a loved one who is with them.

This ought not to be a controversial item, Madam President, to provide family and medical leave for working families, to be with their parents, to be with their children during a time of crisis. I just do not understand when people raise the kind of objections to trying to help out people in that situation. It ought to be a sense of national mortification that every other nation you can name provides a family and medical leave process.

I can count colleague after colleague in this Chamber who had a problem with their children, had a problem with their parents, missed votes, did not go to committee hearings, and in fact had they been here and not been with their family they probably would have been subjected to political attack, that their priorities were wrong, that they were down here voting when they should have been with their children or parents at a time of illness.

If we believe that to be the case among ourselves, is it asking too much to say, too, to parents who work outside of public life, that when they are faced with that crisis, that they ought not to have to choose between their job and their families?

So I hope we can expand this benefit to the 13 million working people in this country who do not have the luxury of the Family and Medical Leave Act that others have enjoyed for the past 5 years.

Madam President, No. 6, we encourage private sector involvement, which is a very important element in all of this. Child care cannot be the sole responsibility of Government, State, local or Federal. So our legislation will create a new discretionary program of competitive challenge grants in which communities that generate funds from the private sector would be eligible for matched Federal grants to improve the availability and quality of child care on a communitywide basis.

This program would be authorized at $1 billion over 5 years. Based on the legislation of the Senator from Wisconsin, Senator KOHL, which was approved, I might add, by the full Senate during the budget reconciliation bill of last year but dropped in conference, we would provide a new tax incentive to open high-quality, on-site child care centers or to assist employees in finding and paying for child care offsite.

Many businesses, Madam President, understand what their employees are going through, and they want to help. But they are not affluent businesses. If they could get a little bit of help on paying their Federal taxes by providing onsite child care or assisting their employees, I think we would do a lot to expand the availability and the quality of child care. So we offer that to employers.

Seventh, Madam President, we ensure the quality of Federal child care facilities. We would also ensure that the Federal Government would lead by example in providing its workers only the highest quality of child care. Many people would be surprised, I think, to hear that currently Federal child care facilities are exempt from State quality regulations. In this bill we require that all Federal child care centers meet all State licensing standards.

Madam President, this is a comprehensive package. I have run down through the major provisions in a brief way. It is a long bill. It covers a lot of territory, a lot of ground. But it is a bold agenda, I think one that people of common purpose can come to. As the Presiding Officer and I see my colleague from Vermont, the chairman of the Labor and Human Resources Committee, who is on the floor here, back in October, November we convened a group of us here, Democrats and Republicans, to try to fashion a compromise bill. We spent long hours, I

know our staffs did, in trying to hammer out a bill that we could have presented to the full Chamber here in January. That was my hope. I know it was the hope of the Senator from Vermont and the Senator from Maine.

Well, that did not happen. I am not going to spend time here on why things didn't happen. There are various elements. But a new bill was introduced by Senator CHAFEE. I do not agree with all of it. There are parts I do agree with. In fact, there are parts that are exactly alike in both of these bills.

I urge the leadership, the distinguished majority leader, Senator LOTT, the distinguished Democratic leader, the minority leader, Senator DASCHLE, who is a cosponsor, I might add, of this bill, that we try to set some time aside for this issue if we are only in session for 70 days, 100 days out of the 300 days left in this calendar year—at least that is what we have been told. I realize this is a big bill. It is not small. It is a lot of money over 5 years. A lot of ideas need to be thought out carefully. But we ought to be getting about the business, Madam President, of doing just that. This issue becomes more of a crisis and more of a problem and arguably more costly the longer we wait to address it.

To the President's great credit, he identified this issue during his State of the Union Message—after school care, affecting millions of working families, early childhood development, that zero to 3 range, the brain studies that all of us are now very familiar with, the infant care, the provider assistance, the family assistance through the credits, the Family and Medical Leave Act. We ought to get about the business of trying to get a bipartisan bill that all of us can claim credit for. So we can say to the American public in 1998, "We heard your concerns. We recognize the problems coming down the road. We stepped up to the plate. We resolved our differences, and we presented you with our best efforts in this regard."

My sincere hope, Madam President, is that is what exactly will happen in these coming days. As I said, it is a bold agenda. It is comprehensive. And we must try to work together if we are going to succeed in that regard.

Madam President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SUMMARY OF DODD CHILD CARE BILL: THE CHILD CARE A.C.C.E.S.S. ACT

(Affordable Child Care for Early Success and Security)

IMPROVING THE AFFORDABILITY OF CHILD CARE

Provide an additional $7.5 billion/5 years through the Child Care and Development Block Grant to increase the amount of child care subsidies available to working families. This investment will double the number of children served by the block grant to 2 million by 2003.

ENHANCING THE QUALITY OF CHILD CARE AND EARLY CHILDHOOD DEVELOPMENT

Provide $3 billion/5 years to encourage states to invest in activities known to produce significant improvements in the quality of child care and early childhood development, for example: bring provider-child ratios to nationally recommended levels; improving the enforcement of licensing standards, through unannounced inspections; conducting background checks on child care providers; improving the compensation, education and training of child care providers; educating parents on the availability and quality of child care; creating support networks for family child care providers; establishing links between child care and health care services; and ensuring the availability and quality of child care for children with special health care needs.

INCREASING THE AVAILABILITY AND QUALITY SCHOOL-AGE CHILD CARE

Provide $3 billion/5 years to increase the supply and quality of school-age care. Through the 21st Century Community Learning Centers, provide $1 billion/5 years to encourage schools to create before and after-school programs.

EXPANDING THE DEPENDENT CARE TAX CREDIT

Adjust the sliding scale to increase the credit for families earning under $60,000 and index the current expense limits for inflation to help the credit keep pace with rising child care costs. Make the credit refundable so that families with little or no tax liability (those making under $30,000) can receive assistance with child care expenses.

SUPPORTING FAMILY CHOICES IN CHILD CARE

Allow stay-at-home parents with children under the age of 1 to claim a portion of the department care tax credit. This credit would also be made refundable to allow families earning under $30,000 to benefit and is phased out for families earning over $70,000.

Expand the Family and Medical Leave Act to include businesses with 25–50 employees. This would protect an additional 13 million working Americans and their families and provide coverage for 71% of the private workforce (an additional 14%).

ENCOURAGING PRIVATE SECTOR INVOLVEMENT

Create a new discretionary program of competitive "challenge grants" in which communities who generate funds from the private sector would be eligible for matched federal grants to improve the availability and quality of child care on a community-wide basis. Authorize at $1 billion over 5 years.

Provide a 25% tax credit to employers ($500 million/5 years) for operating on-site child care centers, contracting for off-site child care, contributing to the costs of accreditation or operating resource and referral systems.

ENSURING THE QUALITY OF FEDERAL CHILD CARE FACILITIES

Require federal child career centers to meet all applicable state licensing standards.

Mr. KERREY. Mr. President, I am honored to be an original cosponsor of Senator DODD's important initiative to improve the affordability, availability and quality of child care in the United States. I believe that American families will welcome this legislation.

We all know that high quality, affordable child care is an important concern to working families. The number of working mothers with preschool-age children has increased five-fold since 1947. More than ten million children of working mothers are in child care—and this number will increase as our strong economy enables welfare parents to find jobs. Child care belongs on the top of the national agenda.

This legislation uses a number of strategies to improve child care for American families. Most families struggle to cope with the costs of child care. Under this legislation, low-income working families will benefit from increased subsidies for child care services through the Child Care and Development Block Grant. Families who have little or no tax liability will receive new assistance through refundability of the Dependent Care Tax Credit, while an adjusted sliding scale and indexed expense limits will enhance the tax credit for families with incomes below $60,000.

This legislation also provides funds for significant quality improvements. Through block grant funds, States will be encouraged to invest in meaningful strategies that improve quality of care and enhance early childhood development, such as lower provider-to-child ratios, new training and education opportunities for child care providers, higher wages for child care workers, and greater enforcement of state licensing standards. In addition, new funding for school-age child care will encourage schools to create before- and after-school programs.

Finally, Senator DODD has structured this legislation to encourage a significant private sector role in child care improvements. By expanding the Family and Medical Leave Act, establishing competitive "challenge grants" for community-based child care improvements, and developing a new tax credit for employers that provide child care opportunities to their employees, this legislation recognizes the important role that community organizations and private businesses have to play in meeting American families' child care needs.

I am pleased to support such an important investment in American families and America's children. We know how important a child's early years are to its later intellectual, emotional and physical development. All American families have great dreams for their children and seek the best care possible during these critical early years. And all families deserve a chance at the American dream. Through this legislation, Congress will be doing its part to help American families work towards a successful future.

Mr. BINGAMAN. Mr. President, I rise today to join in the introduction of the Child Care A.C.C.E.S.S. Act. The initiative is designed to improve access, quality and affordability of child care.

Access to child care is a necessity for all working parents. Nationwide, 55% of children under age six have both parents (if they live with two parents) or

their single parent in the labor force. That figure rises to 61% of school age children who have both or their only parent in the labor force. In my home state of New Mexico, 54% of preschool and 63% of school age children have both or their only parent in the workforce.

Another way of thinking of the magnitude of the issue is to consider that more than half of all preschool children are away from their parents most of the day and two out of three school age children are likely to require child care before or after school. With the passage of the TANF legislation in 1997, a number of mothers will be entering the workforce for the first time and will require child care if they are to succeed in the job market.

Mr. President, while I may not agree with every portion of the bill, I believe that we need to improve child care access, quality, and affordability for our working families. I believe that this bill affords us the best approach to these child care issues and urge others to join in support of this initiative.

Access is a problem for many parents and expansion of the child care and development block grants is one step toward increasing the availability of child care programs. Accessibility grows even more complicated when we look at our rural areas of the country. Each community has unique circumstances to overcome, such as a lack of resources, programs, and transportation. Since the issues of availability and access are addressed in this initiative, I am hopeful that individual states will be able to address their most critical needs.

Yet, Mr. President, improving access without improving the quality of the child care is an empty gesture. Staff education and training are among the most critical elements in improving quality. Currently, many states do not require providers who care for children in their homes to have any training prior to serving children. I am told that 33 states allow teachers in child care centers to start work without prior training. This legislation includes incentives to encourage states to invest in activities that will enhance provider-child ratios, improve the enforcement of licensing standards, improve the compensation of child care providers, and offer training and education to child care providers. It is essential that we have child care staff who are trained to provide the necessary care and then have salaries commensurate with their training to retain them in the field. It is a credit to those who have worked in crafting this bill that they have ensured that child care for children with special health care needs will be addressed as well.

My state currently has many families who cannot find the quality, affordable child care they need to ensure that their children are well cared for and safe. Currently, child care is unaffordable for many working families in New Mexico. Full day child care for one child can easily cost $4,000 to $10,000 per year, which is a lot of money in a state where the average per capita income is $18,803. This is beyond the reach of many families. These families simply cannot afford the cost of quality child care in addition to all of the other demands on their monthly budget. Increasing the Child Care and Development Block Grants will increase the amount of child care subsidies available to working families.

Finally, Mr. President, this bill addresses a critical area: the issue of after school care for school age children. Good after school options can help children and teens do well in school and stay out of trouble. It is estimated that nearly 5 million children are left unsupervised by an adult after school each week. Studies have shown that juvenile crime actually peaks between 3:00 p.m. and 7:00 p.m. when many children are unsupervised. Additionally, I am told that one study found that eighth graders left home alone after school reported greater use of cigarettes, alcohol, and marijuana than those who were in adult supervised settings. Our initiative will allow us to strengthen local resources and is designed to improve the quality of care in after school programs.

In closing, the legislation covers the full spectrum of child care from early childhood to adolescent after school needs. I look forward to participating in the debate on making child care affordable and accessible. I am hopeful that the Senate will move forward on these issues of utmost importance to our working families, parents and children alike.

Mr. HARKIN. Mr. President, I am pleased to join Senator DODD in sponsoring the Child Care ACCESS Act to improve the affordability, availability and quality of child care.

One of the major accomplishments of the last session was to help make college more affordable for working Americans. We passed bipartisan legislation to increase Pell Grants to the highest level in history and to provide tax credits for college expenses. As a result, more Americans will now be able to afford college.

We must now turn our attention, with the same firm resolve, to the education of our young children and making child care affordable, available and safe. This must be the top priority for this Congress.

The recent research on brain development has provided the importance of the first three years of a child's life. Early education opportunities are essential for the positive emotional, physical and social development of children.

Last year's appropriations bill included several important provisions related to early childhood education and development. We increased funding for the Early Head Start program by $66 million and provided and 11% increase in early intervention programs for infants and toddlers with disabilities. We also provided an additional $50 million for the Child Care and Development Block Grant to improve the quality of care for infants. I would have liked to do more, but we were constrained by provisions in the budget agreement. These accomplishments set the stage for us to do much more during 1998.

Mr. President, many low and middle-income families simply cannot afford high quality or even get decent child care. According to the Children's Defense Fund, child care can cost between $3,000 and $8,000 for each child. This clearly makes child care inaccessible to many low-income and middle-income working parents with young children. The need for safe and affordable child care is great and this legislation will provide families with the help they need.

Last year, the President and First Lady sponsored the first White House Conference on Child Care. The child care concerns facing families was summed up quite simply by Secretary of Health and Human Service Secretary Donna Shalala. Can they afford it? Can they get it? Can they trust it? This legislation is a comprehensive response to those questions.

First, the bill improves the affordability of child care for low-income families by providing additional resources for the Child Care and Development Block Grant. This new funding will double the number of families who can qualify for these subsidies. Second, it provides significant additional assistance for many middle income families struggling with these huge costs.

We have all heard concerns about the difficulty working families have in securing child care subsidies. In Iowa, eligibility for Block Grant assistance is restricted to families who earn less than 125% of poverty—or less than $1,389 per month for a family of three. I have long championed the need for parents to have the opportunity to work rather than to be on welfare. But, we cannot expect that to happen without sufficient resources to pay for child care.

I am pleased that this legislation includes a significant increase in the child care tax credit, similar to a measure I introduced in 1996 and 1997. A key feature of this legislation is to make the credit refundable so that those with the greatest need—those making near the minimum wage would be able to receive this tax benefit. Under current law, they are not eligible.

However, low-income families are not the only ones who are struggling to pay for child care. Middle income families also need relief and this legislation

expands the Dependent Care Tax Credit and makes this credit refundable. The limits of the existing tax credit was last changed in 1982 and it has been seriously eroded by inflation. Under existing law, a working family with two children in child care making $30,000 can receive only $960 which, in Iowa often that amounts to only a fraction of child care costs. This is a huge burden on young working families. The tax law in this area is especially unfair since other tax provisions allow some taxpayers with generous company benefits to acquire tax reductions equal to over $1500 for child care with only a single child in day care.

In 1996 and 1997, I introduced legislation to substantially increase the assistance available to working families and to make those benefits refundable so lower income families would also benefit. My proposal provided for a benefit of up to $2300 when two children are in day care. I am pleased that the proposal being introduced today, and the proposal submitted by the President reaches that same level. Because of need to keep this overall proposal within our ability to pay for it without eating into the surplus, the benefits start to phase down for families making over $30,000 in this proposal. I would favor starting to phase out the size of the increased benefit at a higher level covering a larger share of middle income families if we can find the additional offsetting funding.

A key feature of the tax provision is to make the credit refundable so that those with the greatest need—those that making near the minimum wage would be able to get this benefit, that is currently available to higher income families. While some make technical arguments against the provision regarding budget and tax policy issues, I feel that we must do more to help working families bear this considerable cost and help their children receive decent child care so important to establish a good foundation for their years in school and thereafter. And, I find it most unreasonable that those with the most need would be receiving less benefit then those with far more resources.

After our constituents tell us about the trouble they have paying for child care, the next thing we hear is that they can't find child care, especially for children who are school age. An estimated five million children spend some times each week as "latchkey" children without the supervision of an adult. Further, the Department of Justice tells us that most juvenile crime occurs during the hours of 3 and 8 pm.

This legislation addresses this critical need by expanding funding to improve the supply and quality of child care for school age children. In addition, more funds would be made available to the 21st Century Community Learning Centers to help public schools create before and after school activities for their students.

Finally, families want quality child care that they can trust and this legislation provides additional funding to encourage states to improve the quality of child care. These funds could be used for a variety of different activities that we know make a difference such as providing additional training for providers or reducing provider-child ratios.

The legislation also provides a modest tax credit to allow a parent to stay at home with children under the age of one and provides a tax credit to employers for expenses related to child care for their workers.

Mr. President, this legislation provides the most comprehensive response for families struggling to meet their child care needs and I urge my colleagues to support it.

By Mr. ALLARD (for himself and Mr. ENZI):

S. 1608. A bill to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE AMERICAN DEBT REPAYMENT ACT

Mr. ALLARD. Mr. President, I have, of course, from time to time addressed the Senate at this point in the day because I am introducing a piece of legislation called The American Debt Repayment Act.

I think this is an important piece of legislation, and it certainly is very timely when we take into consideration that Congress now has the President's budget before us for consideration. Recently the President submitted to Congress what he claims to be a balanced budget for the fiscal year 1999. I would like to welcome him to the ball game of talking about a balanced budget.

Since I was elected as a Member of Congress in 1990, I have fought to balance the budget using real numbers. In fact, I was a member of the House Budget Committee that passed the first balanced budget in over 25 years only to see this detailed, responsible plan vetoed by the President.

As happy as I am that the administration has come close to realizing what the Republican led Congress has known all along, that we can balance the budget while maintaining responsible spending habits, I am deeply concerned that all progress could be lost if we do not diffuse the ticking time bomb of the Federal debt. The Federal debt now stands at over $5.4 trillion. That is almost $20,000 for every man, woman and child in the United States. If we do not begin a procedure for paying down the debt and funding the Social Security trust fund, entitlement programs will consume the entire Federal budget by the time the baby boomers retire. This is of great concern to me, and we cannot be shortsighted in dealing with the future of our children and grandchildren.

The news, however, is not all bad. As I said, the President has submitted a budget that balances on paper beginning with the fiscal year 1999. While the reality could be different, this is still 4 years ahead of the 2002 timetable that was laid out by previous Congresses. Balancing the budget is clearly not the end but, rather, is only the beginning. From the outset, many of us have realized that once the budget is balanced, the Federal Government has the responsibility to retire the Federal debt. Included in the balanced budget agreement of 1997 was an amendment of mine, and it expressed the sense of the Congress that the President submit a plan to pay down the debt when he submitted his budget. He did not follow this congressional guideline and that is one of the reasons why I feel I must come to the floor today and introduce the American Debt Repayment Act with my good friend from Wyoming, Senator ENZI. It is clear that now is the time to begin that process and commit to retiring the Federal debt.

Let's talk a little bit about what I call the debt tax. The debt tax is the amount of hard-earned tax dollars that Americans send to Washington to pay the interest on the debt. With the Federal budget in balance, we can begin to pay down the debt and decrease the annual gross interest payments of $355 billion. I repeat that, $355 billion is what we are paying in gross interest. This is $355 billion that could be spent on any number of programs, or more beneficially, in my view, tax relief for American families. In real terms, American families are paying an annual debt tax of about $5,300 to pay interest on the debt. As any consumer knows, the interest on unpaid debt compounds quickly, which is exactly what has been happening to our country. We need to relieve our citizens of this burdensome tax.

Now, there are reports that we might actually realize a surplus before the fiscal year 1999. While I am not ready to take it to the bank yet, I believe that is exactly what we should do with any surplus, take it to the bank and retire the Federal debt. The Congressional Budget Office is predicting a $5 billion deficit for fiscal year 1998. That is down from a forecast of $120 billion at the beginning of the year. I believe that we can and should deliver a balanced budget to the American people beginning with this fiscal year.

I am a realist and understand that we cannot retire the Federal debt immediately. What we can do is create a plan by which we pay down the debt

over a set number of years. I have such a plan. My legislation, the American Debt Repayment Act, seeks to amortize and pay off the debt in the year 2028. That is as simple as it gets. My plan puts the Federal Government on a 30-year mortgage to pay its creditors and place our country on sound financial ground.

Let me share some of the numbers. If we assume a 4.5 percent growth in revenues and similar growth in Federal spending, we could retire the Federal debt in the year 2028 by maintaining a balanced budget and by amortizing the debt payments just like you would pay a home mortgage. Just as important, this plan does not break our promise to the American people under the balanced budget agreement.

By doing so we save over 3.7 trillion tax dollars in interest payments and free at least that much for tax relief or programs. In fact, if we stick to baseline outlays we will be able to provide over $370 billion in tax relief or program spending through the year 2007 while sticking to the American Debt Repayment Act to pay off the debt.

I would like to take an opportunity to refer to my chart that I have on the floor where I have placed for the Members to see an amortization schedule on how we are going to pay off this huge debt Americans are faced with today, which is about $5.5 trillion. If we start paying down on the debt in fiscal year 1999, we have a $11.6 billion payment that we start out with and each year we increase the amount we pay down on the debt by $11.6 billion. If we continue that plan, by the year 2028 we have no debt. And what we have saved the American people over that same period of time, and I have it in red here, is $3.7 trillion. By paying down the debt, we have saved the American people in interest savings more than $3.7 trillion.

By the year 2014 the savings in interest payments could be applied directly to the $11.6 billion to continue to pay down the debt. So this is a very realistic plan. It is a very simple plan. It is less than 1 percent of our total budget that we have in the fiscal year, our total budget being somewhere around $1.7 trillion. It is a plan that I think the Senate should adopt. It is called the American Debt Repayment Act. My hope is that we can set an example for the country as well as the House and send over to the President a plan that will balance the budget by 2028.

In the end, we will realize tremendous benefits from paying down the debt. It is well-known that the United States economy performs well when Government follows sound budgetary policies. I believe that enacting a plan to retire the debt can only foster economic growth and stability.

Many of my colleagues have come to the floor to discuss reduction plans, and for the most part we all agree on the necessity to do so. But the problem with plans that call for one-half or one-third of any surplus to repay the debt is that any President or Congress can produce a budget without a dime of surplus even though revenues continue to increase.

I believe that any money left over after $11.6 billion has been committed to the debt should go to tax cuts, and I will fight against tax cuts for any extra spending. As I indicated earlier under my plan we can pay down the debt and lessen the tax burden on the American family.

Mr. President, the Federal Government has not reduced its debt burden since 1959. We did not have a deficit in 1969, but it has been way back to 1959 since there has been any effort to reduce the debt burden. We have a historic opportunity to begin the process of retiring the Federal debt. We must eliminate the debt tax by retiring the Federal debt and restoring financial security to the trust funds and the American people.

The American Debt Repayment Act is the only real plan to retire the national debt. This plan puts forth real numbers with a set payment and a balanced budget requirement to retire the Federal debt. So long as the Federal Government carries a $5.4 trillion debt, we cannot tell our children and our grandchildren that we have provided for their future. By enacting my and Senator ENZI's plan, we can maintain responsible spending levels within the Federal Government while providing for future generations.

Again, I thank my friend from Wyoming and look forward to the Senate's action on this plan.

I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I too rise as an original cosponsor to express my support for the American Debt Repayment Act and to congratulate Senator ALLARD for all of his work on this very important issue.

While Congress was not in session, I traveled several thousand miles across Wyoming. At town meetings I constantly and consistently heard comments such as, "What surplus? If there is any surplus, please pay down the debt. Don't squander any of it on new spending ideas."

If recent CBO estimates hold true, we have the lowest deficit in about 30 years. We did not get to that point by exercising fiscal restraint, however. We still spent too much—nearly $1.7 trillion every year. I voted against the spending portion of the Balanced Budget Act of 1997 because it seemed clear more could have been done to cut down the size and scope of the Federal Government and get our fiscal house in order faster. If not for the unexpected revenues that came as a result of 7 years of economic expansion, we would not even be close to eliminating the Federal deficit today.

In recent days, I have seen a unique attitude transformation take place in this city. Even though a budget surplus, or even a zero deficit—only estimated, of course—has not occurred yet, the administration has not hesitated to offer over $100 billion worth of new and expanded programs that would easily create a larger deficit in its proposed balanced budget. There are even more tax proposals. It seems the eye for spending is still bigger than our taxpayers' wallets.

Even though the economy is strong, I am surprised that so few are concerned about the debt we as a nation are in danger of passing on to our children and our grandchildren. It seems we are tied to the immediate gratification we receive from spending money, spending money that we do not even have. We do not see the danger that looms in the not too distant future if we do not stop spending on credit and with reckless abandon. That danger is a massive Federal debt and changing demographics that will place a tremendous amount of pressure and burden on young taxpayers who, if no changes are made to the entitlement programs, will see a bankrupt Social Security and Medicare system and a mountain of debt so high and an economy so weak there will be no hope of paying it off. Somehow we have convinced ourselves that we deserve these benefits. Meanwhile, we will will it to our children to figure out a way to pay for them.

The interest, just the interest that we are now paying on the Federal debt has reached about 15 percent of the total budget outlays. That amounts to $250 billion that cannot be used for education or military readiness and our national defense or people. The only way we can cut down on the amount of interest paid is to pay down the Federal debt.

We have a Federal debt of over $5.5 trillion. We must run budget surpluses not just for 1 or 2 years but for 30 or more years to pay off that debt. And the surpluses are not even projected to last that long. I believe the administration and Congress should heed the words of the Federal Reserve Board Chairman Alan Greenspan. He noted in his testimony to the Senate Budget Committee on Thursday, January 29, 1998, that we should be cautious in our spending because Federal revenues are not guaranteed and they may fall short of our expectations.

He again advised that "we should be aiming for budgetary surpluses and using the proceeds to retire outstanding Federal debt." That will keep the economy sound and protect Social Security.

The American Debt Repayment Act follows the advice of Chairman Greenspan. It requires budgetary surpluses

every year, with these surpluses going toward payment of the Federal debt. These payments would amortize the debt over the next 30 years, similar to house mortgage payments, only on a $5.5 trillion mansion. Anyone who purchases the house must pay the mortgage that accompanies it. Why should the Federal Government be exempt from a similar requirement? It's the ethical thing to do, and it just makes sound economic sense. Yes, we bought a house for us and our kids, and we will pass on the house and the debt. But let's be sure it's a responsible debt with the payments current.

Now is the time to start making these mortgage payments and begin to chip away at that mountain of debt. It is irresponsible, reckless, and selfish to wait any longer. Any delay will jeopardize the national security and economic freedom of us, our Nation, and our children.

Some may ask if we can afford to do this now. In response, I would borrow the words of former President Ronald Reagan:

> If not now, when? If not us, who?

I yield the remainder of my time.

Mr. ALLARD. I thank the Senator for his very fine statement and yield the remainder of my time. I thank the Senator from Vermont.

By Mr. HATCH (for himself, Mr. CLELAND, Mr. HAGEL, Mr. STEVENS, Mr. FORD, Mr. LOTT, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. ALLARD, Mr. ASHCROFT, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, Mr. BAUCUS, Mr. BREAUX, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. REID, Mr. ROCKEFELLER, and Mr. JOHNSON):

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, it is with great honor and reverence that I rise today with my friend and colleague, Senator CLELAND, to introduce a Constitutional Amendment to permit Congress to enact legislation prohibiting the desecration of the American flag.

Mr. President, symbols are important. They remind us of who, and what, we are. Those of us who are married, for example, wear wedding rings to symbolize the commitment we have made to share our lives with another person. For those of us who are Christians, the cross serves to remind us of the importance of faith and sacrifice. Similarly, Jews unite behind the Star of David, which tells them they are of an ancient faith and lineage. These representations are not trivial. They help bind us together and give us a common identity.

In similar fashion, the American flag serves as a symbol of our great nation. As a religious symbol serves to remind its adherents of their common identity, the flag represents in a way nothing else can, the common bond shared by an otherwise diverse people. Whatever our differences of party, race, religion, or socio-economic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our nation.

Nearly a decade ago, Supreme Court Justice John Paul Stevens reminded us of the significance of our unique emblem when he wrote:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

Justice Stevens' words ring true. After all, for over 200 years, this proud banner has symbolized hope, opportunity, justice and, most of all, freedom, not just to the people of this nation, but to people all over the world.

Perhaps no three events symbolize the importance of this national symbol better than the great battle to our North that gave rise to our national anthem, the "Star Spangled Banner"; the raising of the American flag on the Island of Iwo Jima by United States Marines during World War II; and the planting of the flag upon the moon.

When Francis Scott Key, imprisoned on a ship in Baltimore Harbor, looked to the besieged Fort McHenry he penned the immortal question "O say does that star spangled banner yet waive, o'er the land of the free and the home of the brave?" That dark night, he witnessed the bombardment of the fort, and knew that if it fell, the tide of the war could turn. In the early morning light, Key gazed out across the water to see if the fledgling nation had survived. And one glorious symbol gave him his answer.

In the second verse of our great national anthem, Key described what he saw: "On the shore dimly seen through the mists of the deep, where the foe's haughty host in dread silence reposes—What is that which the breeze o'er the towering steep—as it fitfully blows, half conceals, half discloses? Now it catches the gleam of the morning's first beam in full glory reflected now shines on the stream. 'Tis the Star Spangled Banner, Oh long may it wave o'er the land of the free and the home of the brave." When Francis Scott Key looked out that morning, oh how he must have felt to have seen that yes, that banner did wave and that the hope of the nation was preserved.

At a similarly cricial point in this nation's history, Americans rallied around a photograph of United States Marines raising the flag on the island of Iwo Jima during World War II. That heroic image, immortalized in the Marine Corps Memorial next to Arlington National Cemetery, instantly came to symbolize the determination and courage of all the brave Americans fighting in that great struggle for the very survival of America as a free nation. Seeing the American flag raised on an island so close to the enemy's shore, so far from home, gave the country the will it needed to fight on.

Fifty years later, the planting of the flag on that small pacific island remains one of our nation's most powerful images, reminding us that throughout our history, through the generations, from the Battle of Bunker Hill, to the Civil War, to Operation Desert Storm, on every continent and ocean, in every corner of the world, Americans have fought, and in many cases given their lives, fighting under this flag for the nation and the ideals it represents.

And who can forget the fact that the greatest honor bestowed upon those who have died in battle or otherwise given great service to this nation, is to have the flag draped over their caskets. It is a reminder to the living that they owe their freedoms to those who have fallen and a promise to the dead that their country has not forgotten them.

It is not only in war that this national symbol has served to unite us. Few who saw it live on television will forget the moment when Neal Armstrong and Buzz Aldrin planted the American flag on the moon. This moment, perhaps more than any other, demonstrated that we are a nation of restless explorers, of dreamers, always ready to reach for the stars. The flag planted upon that alien soil was a testimony to the hard work, the ingenuity, and the pioneer spirit of the American people.

I am therefore proud to rise today to introduce a constitutional amendment that would restore to Congress the right to protect our unique national symbol, the American flag, from acts of physical desecration.

Restoring legal protection to the American flag is not, nor should it be, a partisan issue. Fifty four Senators, both Republicans and Democrats, have joined with Senator CLELAND and myself as original cosponsors of this amendment.

Now, some have argued that this Amendment actually violates American principles. They contend that preventing the physical desecration of the flag actually tramples on the sacred right of Americans to speak freely. I disagree. Restoring legal protection to the American flag would not infringe on free speech. If burning the flag were the only means of expressing dissatisfaction with the nation's policies, then I, too, might oppose this amendment. But we live in a free and open society. Those who wish to express their political opinions may do so in the media, in newspaper editorials, in peaceful demonstrations, and through their power to vote.

Certainly, smashing in the doors of the State Department may be a way of expressing one's dissatisfaction with the nation's foreign policy objectives. And one may even consider such behavior speech. Laws, however, can be enacted preventing such actions—in large part because there are peaceful alternatives that can be equally powerful. After all, right here in the United States Senate, we prohibit speeches or demonstrations of any kind, even the silent display of signs or banners, in the public galleries. As a society, we can and do place limitations on both speech and conduct.

Moreover, contrary to the claims of some, restoring legal protection to the American flag would not overturn or otherwise constrict the First Amendment. Rather, it would merely overturn an interpretation of that amendment by the Supreme Court, in which the Court, by the narrowest of margins, held that flag burning was a form of protected free speech. I believe the Court's majority had it wrong—that its decision flew in the face of over 200 years of American history: burning the flag is conduct—conduct for which there exists numerous peaceful alternatives—and may be prohibited. The amendment Senator CLELAND and I propose would correct the Supreme Court's error and restore to Congress and the States the power they historically had to protect the American flag from acts of physical desecration.

Nor would restoring legal protection to the American flag place us on a slippery slope to limit other freedoms. The flag is unique as our national symbol. There is no other symbol, no other object, which represents our nation as does the flag. Accordingly, there is no basis for concern that the protection we seek for the American flag could be extended to cover any other object or form of political expression.

For many years, our flag was protected, by federal laws and laws in 48 states, from acts of physical desecration. No one can seriously argue that freedom of speech or freedom of expression was diminished or curtailed during that period. Restoring the protection of law to our flag would not prevent the expression, in numerous ways safeguarded under the Constitution, of a single idea or thought.

I would note that the effort to restore legal protection to our national symbol is a movement of the American people. It has been initiated by grassroot Americans; numerous civic, veterans and patriotic organizations, led by the American Legion, joined together in the Citizens Flag Alliance, working to build support across this nation for a constitutional amendment to restore the historical protection of our flag. And forty-six states have passed resolutions urging Congress to send a flag protection amendment to the states for ratification.

That is no small support. I believe we need to support them.

I therefore think that the will of the people should not be frustrated by this body. This resolution should be adopted, and the flag amendment sent to the states for their approval.

Mr. President, I ask unanimous consent that the text of the proposed amendment be included in the RECORD.

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

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

"ARTICLE—

"The Congress shall have power to prohibit the physical desecration of the flag of the United States.".

Mr. HATCH. Mr. President, I am very honored to be a cosponsor with my dear friend from Georgia, Senator CLELAND. I appreciate the efforts he has put forth in this battle, and having served in the military as he has done with such distinction and with such courage and heroism I think we ought to all listen to him and I for one will certainly do that. I am proud and privileged to be able to work with him. So I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Mr. President, I thank my friend and colleague, the distinguished Chairman of the Judiciary Committee, Senator HATCH. I applaud his stalwart leadership on this important matter.

Mr. President, I am a strong supporter of a Constitutional amendment to prohibit the physical desecration of the United States flag.

Like many Americans, I was troubled when the Supreme Court ruled in two cases, Texas v. Johnson, and United States v. Eichman, that statutes protecting the United States flag were unconstitutional violations of the First Amendment right to free speech. I respected the wisdom of the Justices of the Supreme Court, yet I was saddened that we no longer were able to rely upon statutory authority to protect the flag.

I was especially saddened in light of the views expressed by such distinguished past and present Supreme Court Justices as Justices Harlan, Warren, Fortas, Black, White, Rehnquist, Blackmun, Stevens, and O'Connor. These Justices have each supported the view that nothing in the Constitution prohibits the states or the federal government from protecting the flag. Nonetheless, the current Supreme Court view stands. That is what brings us here today.

The flag is not a mere symbol. It is not just a symbol of America. It IS America. It is what we stand for. It is what we believe in. It is sacred.

I do not have to tell the Senate what the flag means.

Just ask the soldier who proudly marches behind the flag what it means to salute the flag of the United States.

Ask the newly sworn citizen what it means to claim the flag of the United States for his or her own.

Ask the grieving widow or mother of a slain soldier who is presented with the flag that draped the soldier's casket.

Being from the South and being a history major in college, it was only natural that I become a student of the Civil War. For those who do not believe in the flag, I would point to the literally hundreds of citations given to men in battle during the Civil War for acts of valor associated with the flag.

Soldiers were routinely awarded the Medal of Honor, America's highest military award, for defending the United States flag and carrying it forward into battle. Many of these awards were awarded posthumously. These brave men knew the meaning of the flag.

The flag unites Americans as no symbol can. Only God and the United States Constitution itself stand above the flag.

Everywhere history has been made in this country, the flag has been present.

It was the United States flag that inspired our National Anthem.

It was an American flag that was raised when Jesse Owens stunned Nazi Germany.

It was a United States flag that was hoisted in Iwo Jima.

It was the United States flag that was planted on the Moon.

Those who would desecrate the flag would desecrate America. I cannot stand by that. Therefore, I stand for a Constitutional amendment.

This amendment is simple. It vests only Congress with the authority to protect the flag through statute. We need not fear that the states will create a hodge-podge of flag protection statutes. Instead, Congress can create one uniform statute for the entire nation.

According to opinion surveys, 3 out of every 4 Americans support protecting the flag from desecration. Forty-nine states have enacted resolutions to calling on Congress to pass a flag protection amendment. I believe we ought to let the American people decide this important matter. Therefore, I lend my support to efforts to send this initiative to the American people for ratification.

Unfortunately, it has been the Senate that has blocked these efforts. The House has twice passed resolutions that would begin the formal process of amending the Constitution to protect the flag. The Senate has failed to respond to the overwhelming majority view of the American people.

I believe now is an especially important time to reinforce our support for the American flag. The United States is unquestionably the world's only remaining superpower. Our leadership around the world is unrivaled. The principles of democracy and freedom that guided our forefathers in establishing our great nation are seen as shining examples for the world.

Everywhere that communism has failed, where dictators have been overthrown, where tyranny has been rooted out, people look to America. And it is an American flag that leads our ambassadors, our troops, our citizens, and our hope as we lend our support and leadership to those nations struggling to overcome their past.

People who seek asylum from religious, political, and ethnic persecution look for an American flag flying over our embassies abroad to guide them to the place where their human rights will be respected and protected.

Let us now send a strong signal to the world that we truly cherish this great symbol. Let us now use this opportunity to show the world that we reaffirm our commitment to the ideals the flag stands for.

Indeed, as Supreme Court Justice Stevens said in his dissent from Texas v. Johnson:

> The freedom and ideals of liberty, equality, and tolerance that the flag symbolizes and embodies have motivated our nation's leaders, soldiers, and activists to pledge their lives, liberty, and their honor in defense of their country. Because our history has demonstrated that these values and ideals are worth fighting for, the flag which uniquely symbolizes their power is itself worthy of protection from physical desecration.

These are powerful, wise words. Words we should all heed.

Let us now stand in support of the Flag of the United States of America. I urge my colleagues to join with us in support of this resolution.

Mr. STEVENS. Mr. President, this joint resolution, the Flag Desecration Constitutional Amendment, proposes an Amendment to the Constitution that would empower Congress to prohibit the physical desecration of our Flag. I am proud to join Senator Hatch and my other colleagues as a sponsor.

Two years ago the Senate came close to passing this amendment. At that time, ninety percent of Alaskans who contacted me supported this effort. I am confident their stance has not changed. Alaskans support our flag and the freedom it represents. Alaskans strongly support the protection of this symbol of freedom.

Our flag has a special place in my heart and the hearts of all Americans. As those who have served overseas know, the flag was our reminder of America and our freedom. Freedom much greater than any country ever offers. Our missions oveaseas were to protect that freedom and the flag which symbolizes it. Too many have devoted their lives for our country for us not to protect its most sacred symbol.

Forty-eight states had laws preventing flag desecration before the Supreme Court struck them down. The flag is a direct symbol of our country. Fifty stars for fifty states. I remember the day the forty-ninth star was pinned on the flag. Having played a role in the Alaska statehood movement, I can say it was one of the proudest moments in my life. I support every effort to preserve the sanctity of America's flag.

The Supreme Court has given us a choice. We can accept that the First Amendment allows the desecration of America's flag. Or we can change the law to prevent it. The power to amend the Constitution demands a cautious respect. It is a considerable power—one that has helped chart the course of our history. We should not jump headlong into amendments. But we should not be afraid to act on our beliefs, either. The people of Alaska are strong in their belief that our flag should not be desecrated, and we support this amendment.

Mr. FORD. Mr. President, today I add my name as an original cosponsor of a constitutional amendment to prohibit the physical desecration of the American flag.

I know that there are many who believe that the desecration of our country's flag is the ultimate expression of their political freedoms, but I do not believe all speech is free. Our country pays a price when we see demonstrations which tear down our standard bearer of national integrity. Our flag represents the values upon which this nation was founded and our charter of government established in Philadelphia in 1787. When we no longer value the flag as a symbol of national unity and allegiance to this compact, our Republic is weakened.

Burning our country's flag is not political free speech, it is political garbage. As a society, we have placed parameters on free speech. A person who shouts fire in a crowded theater does not enjoy the protection of freedom of speech. A person whose words incite violence does not enjoy the protection of the First Amendment. I firmly believe that no legitimate act of political protest should be suppressed. Nor should we ever discourage debate and discussion about the Federal government. However, to allow the physical desecration of our national symbol is to allow the ties that bind us as a country, the ties that bind one generation to the next in their love and respect for this country, to be weakened. When we no longer value our flag, we lose value for our country, our government, and each other.

Over two hundred years after the ratification of our nation's Bill of Rights, the United States Supreme Court erroneously ruled that the desecration of our national symbol is protected speech in the case of Texas vs. Johnson. In response to this decision, the United States Senate overwhelmingly passed the Flag Protection Act, which was also declared unconstitutional by the high court. The Supreme Court's action has made it clear that a constitutional amendment is necessary for enactment of any binding protection of the flag. Up to this point, neither House of Congress has been able to garner the two-thirds super majority necessary for passage of a constitutional amendment. But because grassroots support for this amendment continues to grow, I have joined with members on both sides of the aisle to again try passing this amendment. I am hopeful that this time we will get the necessary votes.

Let me close by recalling the words of a Union Soldier in his last letter to his wife dated July 14, 1861. He said, "my courage does not halt or falter. I know how American civilization now bears upon the triumph of the government and how great a debt we owe to those who went before us through the blood and suffering of the Revolution, and I am willing, perfectly willing, to lay down all my joys in this life to help maintain this government and pay that debt."

Today, our task here in the Senate seems trivial in comparison. But if we want the flag that hangs in school rooms, over courthouses, in sports stadiums and off front porches all across America, to continue symbolizing that same commitment to country, then it is a challenge we cannot fail to meet.

Mr. President, I urge my colleagues to join me in supporting this important legislation.

Mr. LOTT. Mr. President, today, we begin the process of restoration. Restoration and renewal. Today, we look to our past, our history, as prologue of

our future. We examine the events of recent years in the context of history in an effort to restore and renew our faith in this place we call America. They lynchpin of this process will be our restoration of what our flag—our American flag, the flag of these United States, the flag of what our founders referred to as "We, the People"—means to us as a people, as citizens, as people united in the common cause of Freedom.

Our flag is no mere piece of cloth, even a brightly-colored piece of cloth—it is the symbol of our nation, and it stands for our ideals, our freedom, our hopes and dreams and, yes, our faith in our nation and in one another.

Let's consider this common cause, freedom. Some may say that we need no symbols to embody this cause. I might agree with those people if I had no knowledge of our history or how the American flag is viewed by people around the world.

For many, in this country and around the world, the American flag is the symbol of the freedom that they long for, that they strive to achieve and to preserve and that they honor. America has been called a "melting pot", where people of many cultures and nationalities come together to live, work and raise their families. Immigrants all, save those native Americans whose roots in this land we must also continue to honor and preserve, we recognize our fortune derived by living in a country where we don't merely talk about freedom, we practice and work to preserve it.

Symbols such as our flag don't just appear and receive acceptance. The flag hanging at the Smithsonian didn't come to be so large by chance—those who made that flag wanted our people to see it waving in the breeze and take cheer and for our opponents to see it and beware. The flag was born in our struggle for independence, and continues to exist in our struggle to ensure freedom for all Americans and other peoples of this world.

Our flag has survived burning and desecration in this country and in other countries. It will survive, as will our faith in our country and our freedoms, no matter the strength of our enemies. We who believe in this country must recognize that our symbols, such as our flag, are important and must be protected and preserved for they are the very embodiment of the ideals, hopes and dreams they stand for. We must protect our flag just as we would protect those ideals.

In 1942, Congress recognized that the flag should be treated in a way more special than the way we treat any other symbol. That year, the Congress enacted the Flag Code to set requirements for how the flag should be displayed and honored. In that day and time, the question was not how to prevent destruction and desecration but merely to set rules for the care and handling of the flag. There was no thought given to doing what we propose to do today because it was beyond thought that conditions would exist in this country that would require such action. Even then, Congress recognized that with freedom comes responsibility. It is time that we recognize that responsibility again as our predecessors in the Congress in 1942 did.

Mr. President, I will close by quoting from an address in 1914 by Franklin K. Lane, then Secretary of the Interior, to the employees of the Department of the Interior on Flag Day, commenting on what the flag might say to us if it could speak:

I am song and fear, struggle and panic, and ennobling hope.
I am the day's work of the weakest man, and the largest dream of the most daring.
I am the Constitution and the courts, statutes and the statute-makers, soldier and dreadnaught, drayman and street sweep, cook, counselor, and clerk.
I am the battle of yesterday and the mistake of tomorrow.
I am the mystery of the men who do without knowing why.
I am the clutch of an idea and the reasoned purpose of resolution.
I am no more than what you believe me to be, and I am all that you believe I can be.
I am what you make me, nothing more.
I swing before your eyes as a bright gleam of color, a symbol of yourself, the pictured suggestion of that big thing which makes this nation. My stars and stripes are your dream and your labors. They are bright with cheer, brilliant with courage, firm with faith, because you have made them so out of your hearts. For you are the makers of the flag and it is well that you glory in the making.

Mr. President, we made this flag as we made this nation. We can destroy this flag or we can protect and preserve it, just as we can destroy this nation or we can protect and preserve it.

The choice is clear. The result is in our hands. As for me, 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.

I urge the adoption and passage of this Constitutional amendment.

Mr. COVERDELL. Mr. President, I am proud to join the Chairman of the Senate Judiciary Committee Senator HATCH, and others in introducing a constitutional amendment to prohibit the desecration of the flag of the United States of America. In the 104th Congress we fell a mere four votes shy of the two-thirds majority needed for the Senate's approval of a similar amendment. I encourage my colleagues to join in this effort and hope we will be able to address this matter before the end of the year.

In a 1989 Supreme Court case, Texas versus Johnson, the Court erroneously ruled, by the narrowest of margins, 5 to 4, that flag burning is a constitutionally protected expression of First Amendment free speech rights. Again in 1990, in U.S. versus Eichman, the Supreme Court protected flag desecration by declaring unconstitutional a federal statute designed to protect our flag. I remain dumbfounded by these decisions. Former Supreme Court Justice Hugo Black, generally regarded as a First Amendment absolutist once stated "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." It passes my belief as well.

It is my belief that the American flag does not belong to one person; it belongs to the American people. When an individual desecrates a flag I believe he does not destroy private property but a national symbol, a public monument. Just as an individual cannot spray paint the Washington Monument as an exercise of free speech, nor should he be able to vandalize the American flag. I believe the American flag is "franchised" to individuals who wish to display it. Thus, those who choose to display an American flag have an obligation to the American people and to the country to maintain and respect it.

For more than 200 years Old Glory has symbolized hope, opportunity, justice and most of all, freedom. For this very reason our flag was protected from desecration by federal laws and laws in 48 states for many years. It is the will of the people that the States and Congress have the power to protect our national symbol. Let us now act on that will.

Mr. President, it is my firm belief that this constitutional amendment would protect our flag without jeopardizing the First Amendment. It would overturn these erroneous interpretations and would place flag desecration in the same category as other forms of illegal expression including libel, slander and obscenity. I believe the unique nature of Old Glory ensures a constitutional amendment protecting it from desecration would not impinge upon citizens' First Amendment rights nor would it establish a dangerous precedent. It would simply prohibit offensive conduct with respect to our nation's most revered symbol. I urge my colleagues to support this most important amendment.

Mr. ASHCROFT. Mr. President, I rise today in support of the proposed amendment to the United States Constitution to prevent desecration of our great national symbol. In 1995, I was an original co-sponsor of an amendment to the Constitution designed to protect the symbol of our nation and its ideals. When that resolution was defeated narrowly, we vowed that this issue would not go away and it has not. I stand here, again, today to declare the necessity of protecting the Flag of the United States of America and what it represents.

Thoughout our history, the Flag has held a special place in the minds of Americans. As the appearance of the Flag changed with the addition of stars as the nation grew, its core meaning to the American people remained constant. It represents no particular perspective, political agenda, or religious belief. Instead, it symbolizes an ideal, not just for Americans, but for all those who honor the great American experiment. It represents a shared ideal of freedom. The Flag stands in this chamber and in our court rooms; it is draped over our honored dead; it flies at half-mast to mourn those we wish to respect; and it is the subject of our National Anthem, our National March and our Pledge of Allegiance. As the Chief Justice noted in his dissent in *Texas* v. *Johnson* (1989), "[t]he American flag, then, throughout more than 200 years of our history, has come to be the visible symbol embodying our nation * * * Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have."

There can be little doubt that the people of this country fully support preserving and protecting the American Flag. The people's elected representatives reflected that vast public support by enacting Flag protection statutes at both the State and Federal levels. Regrettably, the Supreme Court thwarted the people's will—and discarded the judgment of state legislatures and the Congress that protecting the Flag is fully consistent with our Constitution—by holding that the American flag is just another piece of cloth for which no minimum of respect may be demanded. As a consequence, that which represents the struggles of those who came before us; which symbolizes the sacrifice of hundreds; and for which many men and women have died cannot be recognized for what it truly is—a national treasure in need of protection.

Further, the question must be asked, what is the legacy we are leaving our children? At a time when our nation's virtues are too rarely extolled by our national leaders, and national pride is dismissed by many as arrogance, America needs, more than ever, something to celebrate. At a time when our political leaders are embroiled in scandalous allegations, we need a national symbol that is beyond reproach. America needs its Flag untainted, representing more than some flawed agenda, but this extraordinary nation. The Flag, and the freedom for which it stands, has a unique ability to unite us as Americans. Whatever our disagreements, we are united in our respect for the Flag. We should not allow the healing and unifying power of the Flag to become a source of divisiveness.

The protection that the people seek for the Flag does not threaten the sacred rights afforded by the First Amendment. I sincerely doubt that the Framers intended the First Amendment of the Constitution to prevent state legislatures and Congress from protecting the Flag of the nation for which they shed their blood. At the time of the Supreme Court's decision, the tradition of protecting the Flag was too firmly established to suggest that such laws are inconsistent with our constitutional traditions. Many of the state laws were based on the Uniform Flag Act of 1917. No one at that time, or for 70 years afterwards, felt that these laws ran afoul of the First Amendment. Indeed, the Supreme Court itself upheld a Nebraska statute preventing commercial use of the Flag in 1907 in *Halter* v. *Nebraska*. As the Chief Justice stated in his dissent, "I cannot agree that the First Amendment invalidates the Act of Congress, and the laws of 48 of the 50 States which make criminal the public burning of the flag."

Nor do I accept the notion that amending the Constitution to overrule the Supreme Court's decision in the specific context of desecration of the Flag will somehow undermine the First Amendment as it is applied in other contexts. This amendment does not create a slippery slope which will lead to the erosion of Americans' right to free speech. The Flag is wholly unique. It has no rightful comparison. An amendment protecting the Flag from desecration will provide no aid or comfort in any future campaigns to restrict speech. Moreover, an amendment banning the desecration of the Flag does not limit the content of any true speech. As Justice Stevens noted in his dissent in *Johnson* v. *Texas*, "[t]he concept of 'desecration' does not turn on the substance of the message the actor intends to convey, but rather on whether those who view the act will take serious offence." Likewise, the act of desecrating the Flag does not have any content in and of itself. The act takes meaning and expresses conduct only in the context of the true speech which accompanies the act. And that speech remains unregulated. As the Chief Justice noted, "flag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others."

In sum there is no principle or fear that should stand as an obstacle to our protection of the Flag. It is my earnest hope that by Amending the Constitution to prohibit its desecration, this body will protect the heritage, sacrifice, ideals, freedom and honor that the Flag uniquely represents.

Mr. CRAIG. Mr. President, I am pleased to join Chairman HATCH in introducing the joint resolution proposing a constitutional amendment to protect from physical desecration the flag of the United States. This is the same resolution that the House has passed, and we hope it will soon be passed by this body and sent to the American people for ratification.

Some of my colleagues may remember the time I came to this Senate floor with memorials from forty-three state legislatures, urging Congress to take action to protect the American flag from physical desecration. Those memorials were inserted in the CONGRESSIONAL RECORD for all to read. Today that number has swelled to forty-nine states, eleven more than are needed to ratify an amendment

Since this amendment was proposed in 1989, poll after poll has found that eighty percent of the American people consistently support a flag protection amendment. These polls have been performed in times when flag burnings have been more frequent, and times when the flag burners have been fairly quiet; yet the result is always the same—Americans want the flag protected.

Mr. President, today, we have an opportunity to respond to the American people by passing this resolution and sending a very simple amendment to the states for ratification. This amendment authorizes Congress to prohibit physical desecration of the flag of the United States. It is a very straight-forward proposal, and the only way this goal can be accomplished, according to the U.S. Supreme Court.

Our flag, which predates our Constitution, articulates "America," more clearly than any other symbol does. Our flag represents the tapestry of diverse people that is America—as well as the values, traditions, and aspirations that bind us together as a nation. It waves as a patriotic symbol of our values. It's amazing to see how our flag captures basic American values and inspires people to protect them. In return, the vast majority of the American people want our flag protected from acts of intentional, public desecration.

We have many songs for our flag and have even named it Old Glory. That's because our flag holds a special place in our hearts. No other emblem of our nation has been defended as a symbol of freedom so animatedly. No other symbol has brought our country closer together, dedicated to life, liberty, and the pursuit of happiness. No other token has drawn immigrants to our nation, with the promise of democracy. No other artifact inspires us to rise to the same level of dignity and patriotism.

Our flag's leading troops into battle is an American tradition, inspiring both families at home and those on the front lines; it has inspired men and women to great accomplishments; it flies over our government buildings because it symbolizes our republic; it is displayed in our schools as a reminder

of the importance of learning and our desire for an educated people; it is flown from the front of our homes because we are proud to be Americans and we are proud of the contributions our nation has made; it waves above our places of business as a testament to the free enterprise system; it hangs in our houses of worship as a symbol of our freedom to worship God as our conscience dictates. The flag represents the values, traditions and aspirations that bind us together as a nation. It stands above our differences and unites us in war and peace.

The American people want an amendment to protect the flag from desecration, and they should be given the opportunity to ratify it. We, as servants of the American people, shouldn't act as stumbling blocks. Instead, we should respond by passing this resolution. If the American people don't want this amendment, they can vote to reject it. However, we should remember that already more than three million people have signed petitions asking Congress to pass a flag-protection amendment and send it to the states for ratification. This is the first step in that process.

Flag desecration is offensive to the majority of Americans. To publicly desecrate even one flag promotes nothing worthwhile in our society, communicates no clear message, and tears at the fabric of our nation. Chief Justice William Rehnquist said, "One of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning." The U.S. flag is more than just a piece of cloth. It represents the fabric of our nation. I urge my colleagues to listen to the voice of the American people and join us in protecting our flag.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to join Senators HATCH and CLELAND and others, as an original co-sponsor of S.J. Res. 40, the proposed constitutional amendment to protect our Nation's flag.

The act of flag burning—or any other kind of flag desecration—is an aggressive, provocative act. It is also an act of violence against the symbol of America—our flag. Even more disturbing, it is an act of violence against our country's values and principles. The Constitution guarantees freedom, but it also seeks to assure, in the words of the Preamble, "domestic Tranquility."

Many Americans have given their lives to protect freedom and democracy as symbolized by the flag. In my own family, my father died in a service-related accident during World War II. Our family was presented with his burial flag. That flag means a great deal to our family—and we believe that the flag deserves protection under the law.

Some people believe that outlawing desecration of the flag—which this Constitutional Amendment would authorize the Congress to do—would lead to the destruction of "freedom." I disagree. Our Constitution was carefully crafted to protect our freedom, but also to promote responsibility. We are stepping on dangerous ground when we allow reckless behavior such as flag burning or other forms of physical desecration of the flag.

The Constitution that our Nation's Founders fashioned has survived the tests of time, but it has also been amended on 27 occasions. Under our Constitution, the Supreme Court does not have more power than the people. The people do not have to accept every Supreme Court decision—because ultimate authority rests in the Constitution, which the people have the power to amend.

The idea of amending the Constitution is serious business. We have found, however, that a simple statute is not enough. We tried that, and the Court struck it down. We must stand for something or we stand for nothing. I stand for a constitutional amendment authorizing Congress to ban flag desecration and I am confident that we will succeed in passing it in this Congress and submitting it to the States for ratification.

Mr. SMITH of Oregon. Mr. President, the people of the United States revere the American flag as a unique symbol of our great nation. It symbolizes the national unity that exists among diverse people, the common bond that binds us and makes us Americans. We are a nation that is defined by democracy. The flag symbolizes this democracy not only to ourselves, but to all other nations. It is through this democratic process that we feel free to exercise and enjoy the many liberties guaranteed to us.

Over the years, Congress has reflected respect and devotion to the American flag. In 1931, it declared the Star Spangled Banner to be our national anthem, and in 1949, established June 14 as Flag Day. In 1987, Congress designated John Philip Sousa's 'The Stars and Stripes Forever' as the national march. Congress also has established detailed rules for the design and the proper display of the flag. Today, we have an opportunity to add one more important gesture of support for our national symbol, to pass an amendment that prohibits the physical desecration of the Flag of the United States.

Since 1990, 49 states have passed memorializing resolutions calling on Congress to pass a flag desecration amendment for consideration by the states.

Public opinion surveys have consistently shown that nearly 80 percent of all Americans support a constitutional amendment to prohibit flag desecration and do not believe that freedom of speech is jeopardized by this protection. Among the grassroots groups that endorse this legislation is the Citizens Flag Alliance, an alliance comprised of 119 civic, patriotic and veterans organizations, including The American Legion, AMVETS, the Knights of Columbus, the National Grange, the Grand Lodge, Fraternal Order of Police, and the African-American Women's Clergy Association.

This amendment, grants Congress and the states the power to prohibit physical desecration of the flag, but does not amend the First Amendment.

If we want to embrace the will of the American people, if we want to reserve the flag's unique status as our nation's most revered and profound symbol, and if we believe the flag is important enough to protect from physical desecration, then we should pass this Constitutional amendment.

Mr. President, I urge my colleagues to join me in support of this amendment.

Mr. THURMOND. Mr. President, I am pleased to rise as an original cosponsor of a proposed constitutional amendment prohibiting the physical desecration of the flag of the United States.

I have fought to achieve Constitutional protection for the flag ever since the Supreme Court first legitimized flag burning in the case of *Texas* v. *Johnson* in 1989. To date, we have not been successful in out efforts to pass a Constitutional amendment by the required two-thirds majority.

However, we have come close, and, most importantly, we have refused to quit. Last year, the House passed the amendment with the necessary votes, and I am very hopeful that we will follow suit in the Senate this year.

Some say that burning or defacing the American flag is not widespread enough or important enough for a constitutional amendment. I could not disagree more.

Since the birth of the Republic, the flag has been our most recognizable and revered symbol of democracy. It represents our Nation, our national ideals, and out proud heritage.

Men and women of our Armed Forces have put their lives on the line to defend the principles and ideals that the flag represents. Soldiers have risked and even lost their lives to prevent the flag from falling.

To say that the flag is not important enough to protect is to say that the values that hold us together as a Nation are not worth defending.

Flag burning may be rare, but even it is, it is not acceptable—I repeat, it is not acceptable. It is not tolerable. I hate to see anyone burn or deface the flag to make some statement. Why should society let even one person wrap themselves around some absolute interpretation of the First Amendment to protect indefensible speech? Have we focused so much on the rights of the individual that we have forgotten the rights of the people?

It is clear that the American public strongly favors this amendment. Opinion polls register overwhelming support. Every state except one has passed resolutions calling for a Constitutional amendment to protect the flag. It is a feeling of great pride to know of the sincere national patriotism that this support represents.

The House has already acted. It is now our turn in the Senate. We have a profound responsibility to pass this constitutional amendment as quickly as possible so that it can go to the States for ratification.

I urge my colleagues in the strongest terms to join us in this great effort to restore protection for the American flag. The flag of the United States, the symbol of freedom and democracy, must always be protected, and forever wave over the land of the free and the home of the brave.

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. MCCAIN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from California (Mrs. BOXER), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 427

At the request of Mr. THOMAS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation.

S. 657

At the request of Mr. DASCHLE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 800

At the request of Mr. ABRAHAM, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 800, a bill to create a tax cut reserve fund to protect revenues generated by economic growth.

S. 1180

At the request of Mr. KEMPTHORNE, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1215

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1215, a bill to prohibit spending Federal education funds on national testing.

S. 1316

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1316, a bill to dismantle the Department of Commerce.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

S. 1575

At the request of Mr. COVERDELL, the names of the Senator from Arizona (Mr. KYL), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1575, a bill to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

S. 1580

At the request of Mr. SHELBY, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from North Carolina (Mr. FAIRCLOTH), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1599

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 1599, a bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE CONCURRENT RESOLUTION 72—RELATIVE TO THE CENTENNIAL CELEBRATION OF THE UNIVERSITY OF KANSAS BASKETBALL PROGRAM

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 72

Whereas in 1898, the "Father of Basketball", Dr. James Naismith, became the first basketball coach at the University of Kansas;

Whereas Dr. Forrest "Phog" Allen, considered one of college basketball's most successful coaches, succeeded Dr. James

Naismith, winning 746 games, 24 conference championships, 2 Helms Foundation National Championships, and 1 National Collegiate Athletic Association (referred to in this resolution as "NCAA") Championship;

Whereas Dr. Allen was influential in forming the National Association of Basketball Coaches, lobbied to make basketball an Olympic sport, and was a key individual in the formation of the NCAA Basketball Tournament;

Whereas University of Kansas graduates who played basketball under Dr. Allen, including Adolph Rupp, Dean Smith, Ralph Miller, and Dutch Lonborg, went on to achieve unparalleled success as college basketball coaches;

Whereas 13 University of Kansas alumni, including Wilt Chamberlain and Clyde Lovellette, are members of the Naismith Basketball Hall of Fame;

Whereas the jerseys of Danny Manning, Charlie Black, B.H. Born, Paul Endacott, Wilt Chamberlain, and Ray Evans were retired by the University of Kansas because of their achievements on the basketball floor as University of Kansas Jayhawks;

Whereas the University of Kansas men's basketball tradition includes more than 1,650 victories, 44 conference championships, 10 NCAA Championship Final Four appearances, 2 Helms Foundation National Championships, 2 NCAA Championships, in 1952 and 1988, and 10 Consensus All-American players; and

Whereas Allen Field House in Lawrence, Kansas, maintains a spirited atmosphere that provides the University of Kansas Jayhawks an immeasurable advantage in their games: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes and honors—

(1) the 100 years of basketball history at the University of Kansas; and

(2) the players, coaches, alumni, and fans of the University of Kansas Jayhawks who have participated in the basketball program throughout the years.

Mr. ROBERTS. Mr. President, it is my privilege to submit a Senate concurrent resolution today commending the centennial celebration of college basketball played at the University of Kansas.

This weekend former Jayhawk players and coaches, along with fans from all over the country, will gather for a reunion weekend in Lawrence, Kansas. Festivities include a legends game, banquet, and culminate with the Missouri game on Sunday afternoon. They will celebrate and honor a tradition that is second to none.

College basketball history contains many milestones and accomplishments achieved by the Kansas Jayhawks. Since KU's first team in 1898–99 the Jayhawks have had more than 1,650 victories, second only to North Carolina and Kentucky. Kansas has played in the NCAA Tournament 26 times, made 10 final four appearances and won or shared 44 conference titles. Not only can Kansas lay claim to college basketball's greatest coaches, but it has ties to both its inventor and one of its dominant players.

In 1898 Dr. James Naismith, only seven years removed from nailing two peach baskets on the wall in Springfield, Massachusetts YMCA, became KU's first basketball coach. Ironically, Dr. Naismith was the only Jayhawk coach to retire with a losing record. Although Dr. Naismith's record does not reflect his ingenuity for inventing basketball, he is fondly remembered at KU.

Ten years later, Forest "Phog" Allen took over the reins from Naismith. Allen, a KU basketball letterman learned the game from his playing days under Dr. Naismith and refined them so much so that he is referred to as the "father of basketball coaching." Off the court, Allen joined in the creation of the National Basketball Coaches Association, led the international effort making basketball an Olympic sport, and assisted in the formation of the National Collegiate Athletic Association Tournament. Allen compiled a record of 590–219 in 39 years as the Jayhawks head coach. This includes 24 conference championships and one NCAA Championship. All totaled Allen won 746 games, a record twice since broken by his former players.

One of the outstanding games in the Jayhawks 100 year history is the 1952 NCAA championship game played in Kansas City's Municipal Auditorium. The Allen-coached Jayhawks won the game over St. John's with Basketball Hall of Fame member Clyde Lovellette contributing 33 points. Another future Hall of Famer saw limited action that night, Dean Smith.

Also in the fifties, the Kansas Jayhawks added more to the history and legacy of college basketball. In 1957 Wilt Chamberlin led the Jayhawks to a 24-3 record and a spot in the NCAA finals where Kansas was defeated by North Carolina, 54–53 in three overtimes in what is considered one of the most exciting games in NCAA Tournament history. Despite the loss, Chamberlin was selected tournament MVP and was a two-time All-American. Chamberlin went on to achieve great success in the NBA setting a single game scoring record of 100 points while with the Philadelphia Warriors.

In recent years, Kansas Jayhawks on the court continued to add more history. Danny Manning and his all-stars persevered in their underdog effort that culminated in the Jayhawks 1988 victory over Big Eight Conference rival Oklahoma and once again being crowned national champions.

Even after reaching the pinnacle of being a national champion in 1988, the Jayhawks are still regarded as one of the top teams in the nation. In his nine seasons as the Jayhawks head coach, Roy Williams has led the Hawks to two Final Fours and five conference championships. Like all his coaching predecessors, Williams' teams excel on the court and off, not only preparing student athletes for difficult games, but for the challenges to come in lives.

I would like to list for my colleagues those Kansas Jaykawks who have been elected to the Naismith Hall of Fame in Springfield, Massachusetts: Dr. Naismith, Phog Allen, E.C. Quigley, John Bunn, Adolph Rupp, Paul Endacott, Dutch Lonborg, William Johnson, John McLendon, Wilt Chamberlain, Dean Smith, Clyde Lovellette, and Ralph Miller. In addition, KU's Lynette Woodard, who became the first woman to play with the Harlem Globetrotters, has also been recognized for her winning endeavor on the Jaykawks women's team.

Mr. President, this short history cannot convey the atmosphere of college basketball played at "Phog" Allen Field House, which opened in 1955. Although it resembles a large Kansas barn, when it's filled with 16,300 Jaykawkers it quickly becomes a near impossible place for opposing teams to win. The mood of the building is often inspiring, and Coach Allen's spirit is said to remain in residence and aid the Jaykawks in times of need.

On this 100th anniversary of KU basketball, I want the past and present fans, alumni, players and coaches to know the United States Senate appreciates their efforts for the past one hundred years in contributing to, and perpetuating the heritage of America's unique game; basketball.

AMENDMENTS SUBMITTED

THE REGULATORY IMPROVEMENT ACT OF 1997

LEVIN (AND OTHERS) AMENDMENT NO. 1644

(Ordered referred to the Committee on Governmental Affairs.)

Mr. LEVIN (for himself, Mr. THOMPSON, Mr. GLENN, Mr. ABRAHAM, Mr. ROBB, Mr. ROTH, Mr. ROCKEFELLER, Mr. STEVENS, Mr. GRAMS, and Mr. COCHRAN) submitted an amendment intended to be proposed by them to the bill (S. 981) to provide for analysis of major rules; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Improvement Act of 1998".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Effective regulatory programs provide important benefits to the public, including improving the environment, worker safety, and public health. Regulatory programs also impose significant costs on the public, including individuals, businesses, and State, local, and tribal governments.

(2) Improving the ability of Federal agencies to use scientific and economic analysis in developing regulations should yield increased benefits and more effective protections while minimizing costs.

(3) Cost-benefit analysis and risk assessment are useful tools to better inform agencies in developing regulations, although they

do not replace the need for good judgment and consideration of values.

(4) The evaluation of costs and benefits must involve the consideration of the relevant information, whether expressed in quantitative or qualitative terms, including factors such as social values, distributional effects, and equity.

(5) Cost-benefit analysis and risk assessment should be presented with a clear statement of the analytical assumptions and uncertainties, including an explanation of what is known and not known and what the implications of alternative assumptions might be.

(6) The public has a right to know about the costs and benefits of regulations, the risks addressed, the risks reduced, and the quality of scientific and economic analysis used to support decisions. Such knowledge will promote the quality, integrity and responsiveness of agency actions.

(7) The Administrator of the Office of Information and Regulatory Affairs should oversee regulatory activities to raise the quality and consistency of cost-benefit analysis and risk assessment among all agencies.

(8) The Federal Government should develop a better understanding of the strengths, weaknesses, and uncertainties of cost-benefit analysis and risk assessment and conduct the research needed to improve these analytical tools.

SEC. 3. REGULATORY ANALYSIS.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER II—REGULATORY ANALYSIS

"§ 621. Definitions

"For purposes of this subchapter the definitions under section 551 shall apply and—

"(1) the term 'Administrator' means the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget;

"(2) the term 'benefit' means the reasonably identifiable significant favorable effects, quantifiable and nonquantifiable, including social, health, safety, environmental, economic, and distributional effects, that are expected to result from implementation of, or compliance with, a rule;

"(3) the term 'cost' means the reasonably identifiable significant adverse effects, quantifiable and nonquantifiable, including social, health, safety, environmental, economic, and distributional effects, that are expected to result from implementation of, or compliance with, a rule;

"(4) the term 'cost-benefit analysis' means an evaluation of the costs and benefits of a rule, quantified to the extent feasible and appropriate and otherwise qualitatively described, that is prepared in accordance with the requirements of this subchapter at the level of detail appropriate and practicable for reasoned decisionmaking on the matter involved, taking into consideration uncertainties, the significance and complexity of the decision, and the need to adequately inform the public;

"(5) the term 'Director' means the Director of the Office of Management and Budget, acting through the Administrator of the Office of Information and Regulatory Affairs;

"(6) the term 'flexible regulatory options' means regulatory options that permit flexibility to regulated persons in achieving the objective of the statute as addressed by the rule making, including regulatory options that use market-based mechanisms, outcome oriented performance-based standards, or other options that promote flexibility;

"(7) the term 'major rule' means a rule that—

"(A) the agency proposing the rule or the Director reasonably determines is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable costs; or

"(B) is otherwise designated a major rule by the Director on the ground that the rule is likely to adversely affect, in a material way, the economy, a sector of the economy, including small business, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities;

"(8) the term 'reasonable alternative' means a reasonable regulatory option that would achieve the objective of the statute as addressed by the rule making and that the agency has authority to adopt under the statute granting rule making authority, including flexible regulatory options;

"(9) the term 'risk assessment' means the systematic process of organizing hazard and exposure information to estimate the potential for specific harm to an exposed population, subpopulation, or natural resource including, to the extent feasible, a characterization of the distribution of risk as well as an analysis of uncertainties, variabilities, conflicting information, and inferences and assumptions;

"(10) the term 'rule' has the same meaning as in section 551(4), and shall not include—

"(A) a rule exempt from notice and public comment procedure under section 553;

"(B) a rule that involves the internal revenue laws of the United States, or the assessment or collection of taxes, duties, or other debts, revenue, or receipts;

"(C) a rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, corporate or financial structures, reorganizations, mergers, acquisitions, accounting practices, or disclosures bearing on any of the foregoing;

"(D) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System or by the Federal Open Market Committee;

"(E) a rule relating to the operations, safety, or soundness of federally insured depository institutions or any affiliate of such an institution (as defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k)); credit unions; the Federal Home Loan Banks; government-sponsored housing enterprises; a Farm Credit System Institution; foreign banks, and their branches, agencies, commercial lending companies or representative offices that operate in the United States and any affiliate of such foreign banks (as those terms are defined in the International Banking Act of 1978 (12 U.S.C. 3101)); or a rule relating to the payments system or the protection of deposit insurance funds or Farm Credit Insurance Fund;

"(F) a rule relating to the integrity of the securities or commodities futures markets or to the protection of investors in those markets;

"(G) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission under sections 312(a)(7) and 315 of the Communications Act of 1934 (47 U.S.C. 312(a)(7) and 315);

"(H) a rule required to be promulgated at least annually pursuant to statute;

"(I) a rule or agency action relating to the public debt or fiscal policy of the United States; or

"(J) a rule or agency action that authorizes the introduction into commerce, or recognizes the marketable status of, a product; and

"(11) the term 'substitution risk' means a significant increased risk to health, safety, or the environment reasonably likely to result from a regulatory option.

"§ 622. Applicability and effect

"(a) Except as provided in section 623(f), this subchapter shall apply to all proposed and final major rules.

"(b) Nothing in this subchapter shall be construed to supersede any requirement for rule making or opportunity for judicial review made applicable under any other Federal statute.

"§ 623. Regulatory analysis

"(a)(1) Before publishing a notice of a proposed rule making for any rule, each agency shall determine whether the rule is or is not a major rule covered by this subchapter.

"(2) The Director may designate any rule to be a major rule under section 621(7)(B), if the Director—

"(A) makes such designation no later than 30 days after the close of the comment period for the rule; and

"(B) publishes such designation in the Federal Register, together with a succinct statement of the basis for the designation, within 30 days after such designation.

"(b)(1)(A) When an agency publishes a notice of proposed rule making for a major rule, the agency shall prepare and place in the rule making file an initial regulatory analysis, and shall include a summary of such analysis consistent with subsection (e) in the notice of proposed rule making.

"(B)(i) When the Director has published a designation that a rule is a major rule after the publication of the notice of proposed rule making for the rule, the agency shall promptly prepare and place in the rule making file an initial regulatory analysis for the rule and shall publish in the Federal Register a summary of such analysis consistent with subsection (e).

"(ii) Following the issuance of an initial regulatory analysis under clause (i), the agency shall give interested persons an opportunity to comment under section 553 in the same manner as if the initial regulatory analysis had been issued with the notice of proposed rule making.

"(2) Each initial regulatory analysis shall contain—

"(A) a cost-benefit analysis of the proposed rule that shall contain—

"(i) an analysis of the benefits of the proposed rule, including any benefits that cannot be quantified, and an explanation of how the agency anticipates that such benefits will be achieved by the proposed rule, including a description of the persons or classes of persons likely to receive such benefits;

"(ii) an analysis of the costs of the proposed rule, including any costs that cannot be quantified, and an explanation of how the agency anticipates that such costs will result from the proposed rule, including a description of the persons or classes of persons likely to bear such costs;

"(iii) an evaluation of the relationship of the benefits of the proposed rule to its costs, including the determinations required under subsection (d), taking into account the results of any risk assessment;

"(iv) an evaluation of the benefits and costs of a reasonable number of reasonable alternatives reflecting the range of regulatory options that would achieve the objective of the statute as addressed by the rule making, including, where feasible, alternatives that—

"(I) require no government action or utilize voluntary programs;

"(II) provide flexibility for small entities under subchapter I and for State, local, or tribal government agencies delegated to administer a Federal program; and

"(III) employ flexible regulatory options; and

"(v) a description of the scientific or economic evaluations or information upon which the agency substantially relied in the cost-benefit analysis and risk assessment required under this subchapter, and an explanation of how the agency reached the determinations under subsection (d);

"(B) if required, the risk assessment in accordance with section 624; and

"(C) when scientific information on substitution risks to health, safety, or the environment is reasonably available to the agency, an identification and evaluation of such risks.

"(c)(1) When the agency publishes a final major rule, the agency shall prepare and place in the rule making file a final regulatory analysis.

"(2) Each final regulatory analysis shall address each of the requirements for the initial regulatory analysis under subsection (b)(2), revised to reflect—

"(A) any material changes made to the proposed rule by the agency after publication of the notice of proposed rule making;

"(B) any material changes made to the cost-benefit analysis or risk assessment; and

"(C) agency consideration of significant comments received regarding the proposed rule and the initial regulatory analysis, including regulatory review communications under subchapter IV.

"(d)(1) The agency shall include in the statement of basis and purpose for a proposed or final major rule a reasonable determination, based upon the rule making record considered as a whole—

"(A) whether the rule is likely to provide benefits that justify the costs of the rule; and

"(B) whether the rule is likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the other reasonable alternatives considered by the agency.

"(2) If the agency head determines that the rule is not likely to provide benefits that justify the costs of the rule or is not likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the other reasonable alternatives considered by the agency, the agency head shall—

"(A) explain the reasons for selecting the rule notwithstanding such determination, including identifying any statutory provision that required the agency to select such rule; and

"(B) describe any reasonable alternative considered by the agency that would be likely to provide benefits that justify the costs of the rule and be likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the alternative selected by the agency.

"(e) Each agency shall include an executive summary of the regulatory analysis, including any risk assessment, in the regulatory analysis and in the statement of basis and purpose for the proposed and final major rule. Such executive summary shall include a succinct presentation of—

"(1) the benefits and costs expected to result from the rule and any determinations required under subsection (d);

"(2) if applicable, the risk addressed by the rule and the results of any risk assessment;

"(3) the benefits and costs of reasonable alternatives considered by the agency; and

"(4) the key assumptions and scientific or economic information upon which the agency relied.

"(f)(1) A major rule may be adopted without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting the regulatory analysis under this subchapter before the rule becomes effective is impracticable or contrary to an important public interest; and

"(B) the agency publishes the rule in the Federal Register with such finding and a succinct explanation of the reasons for the finding.

"(2) If a major rule is adopted under paragraph (1), the agency shall comply with this subchapter as promptly as possible unless compliance would be unreasonable because the rule is, or soon will be, no longer in effect.

"(g) Each agency shall develop an effective process to permit elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals that contain significant Federal intergovernmental mandates. The process developed under this subsection shall be consistent with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

"§ 624. Principles for risk assessments

"(a)(1)(A) Subject to paragraph (2), each agency shall design and conduct risk assessments in accordance with this subchapter for—

"(i) each proposed and final major rule the primary purpose of which is to address health, safety, or environmental risk; or

"(ii) any risk assessment that is not the basis of a rule making that the Director reasonably determines is anticipated to have a substantial impact on a significant public policy or on the economy.

"(B)(i) Risk assessments conducted under this subchapter shall be conducted in a manner that promotes rational and informed risk management decisions and informed public input into and understanding of the process of making agency decisions.

"(ii) The scope and level of analysis of such a risk assessment shall be commensurate with the significance and complexity of the decision and the need to adequately inform the public, consistent with any need for expedition, and designed for the nature of the risk being assessed.

"(2) If a risk assessment under this subchapter is otherwise required by this section, but the agency determines that—

"(A) a final rule subject to this subchapter is substantially similar to the proposed rule with respect to the risk being addressed;

"(B) a risk assessment for the proposed rule has been carried out in a manner consistent with this subchapter; and

"(C) a new risk assessment for the final rule is not required in order to respond to comments received during the period for comment on the proposed rule,

the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.

"(b) Each agency shall consider in each risk assessment reliable and reasonably available scientific information and shall describe the basis for selecting such scientific information.

"(c)(1) When a risk assessment involves a choice of assumptions, the agency shall, with respect to significant assumptions—

"(A) identify the assumption and its scientific and policy basis, including the extent to which the assumption has been validated by, or conflicts with, empirical data;

"(B) explain the basis for any choices among assumptions and, where applicable, the basis for combining multiple assumptions; and

"(C) describe reasonable alternative assumptions that—

"(i) would have had a significant effect on the results of the risk assessment; and

"(ii) were considered but not selected by the agency for use in the risk assessment.

"(2) As relevant and reliable scientific information becomes reasonably available, each agency shall revise its significant assumptions to incorporate such information.

"(d) The agency shall notify the public of the agency's intent to conduct a risk assessment and, to the extent practicable, shall solicit relevant and reliable data from the public. The agency shall consider such data in conducting the risk assessment.

"(e) Each risk assessment under this subchapter shall include, as appropriate, each of the following:

"(1) A description of the hazard of concern.

"(2) A description of the populations or natural resources that are the subject of the risk assessment.

"(3) An explanation of the exposure scenarios used in the risk assessment, including an estimate of the corresponding population or natural resource at risk and the likelihood of such exposure scenarios.

"(4) A description of the nature and severity of the harm that could reasonably occur as a result of exposure to the hazard.

"(5) A description of the major uncertainties in each component of the risk assessment and their influence on the results of the assessment.

"(f) To the extent scientifically appropriate, each agency shall—

"(1) express the estimate of risk as 1 or more reasonable ranges and, if feasible, probability distributions that reflects variabilities, uncertainties, and lack of data in the analysis;

"(2) provide the ranges and distributions of risks, including central and high end estimates of the risks, and their corresponding exposure scenarios for the potentially exposed population and, as appropriate, for more highly exposed or sensitive subpopulations; and

"(3) describe the qualitative factors influencing the ranges, distributions, and likelihood of possible risks.

"(g) When scientific information that permits relevant comparisons of risk is reasonably available, each agency shall use the information to place the nature and magnitude of a risk to health, safety, or the environment being analyzed in relationship to other reasonably comparable risks familiar to and routinely encountered by the general public. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks, well understood or newly discovered risks, and reversible or irreversible risks.

"§ 625. Peer review

"(a) Each agency shall provide for an independent peer review in accordance with this section of the cost benefit analysis and risk assessment required by this subchapter.

"(b)(1) Peer review required under subsection (a) shall—

"(A) be conducted through panels, expert bodies, or other formal or informal devices that are broadly representative and involve participants—

"(i) with expertise relevant to the sciences, or analyses involved in the regulatory decisions; and

"(ii) who are independent of the agency;

"(B) be governed by agency standards and practices governing conflicts of interest of nongovernmental agency advisors;

"(C) provide for the timely completion of the peer review including meeting agency deadlines;

"(D) contain a balanced presentation of all considerations, including minority reports and an agency response to all significant peer review comments; and

"(E) provide adequate protections for confidential business information and trade secrets, including requiring panel members or participants to enter into confidentiality agreements.

"(2) Each agency shall provide a written response to all significant peer review comments. All peer review comments and any responses shall be made—

"(A) available to the public; and

"(B) part of the rule making record for purposes of judicial review of any final agency action.

"(3) If the head of an agency, with the concurrence of the Director, publishes a determination in the rule making file that a cost-benefit analysis or risk assessment, or any component thereof, has been previously subjected to adequate peer review, no further peer review shall be required under this section for such analysis, assessment, or component.

"(c) For each peer review conducted by an agency under this section, the agency head shall include in the rule making record a statement by a Federal officer or employee who is not an employee of the agency rule making office or program—

"(1) whether the peer review participants reflect the independence and expertise required under subsection (b)(1)(A); and

"(2) whether the agency has adequately responded to the peer review comments as required under subsection (b)(2).

"(d) The peer review required by this section shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"§ 626. Deadlines for rule making

"(a) All statutory deadlines that require an agency to propose or promulgate any major rule during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of this subchapter are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(b) In any proceeding involving a deadline imposed by a court of the United States that requires an agency to propose or promulgate any major rule during the 2-year period beginning on the effective date of this section, the United States shall request, and the court may grant, an extension of such deadline until the earlier of—

"(1) the date on which the requirements of this subchapter are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(c) In any case in which the failure to promulgate a major rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

"(1) the date on which the requirements of this subchapter are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"§ 627. Judicial review

"(a) Compliance by an agency with the provisions of this subchapter shall be subject to judicial review only—

"(1) in connection with review of final agency action;

"(2) in accordance with this section; and

"(3) in accordance with the limitations on timing, venue, and scope of review imposed by the statute authorizing judicial review.

"(b) Any determination of an agency whether a rule is a major rule under section 621(7)(A) shall be set aside by a reviewing court only upon a showing that the determination is arbitrary or capricious.

"(c) Any designation by the Director that a rule is a major rule under section 621(7), or any failure to make such designation, shall not be subject to judicial review.

"(d) The cost-benefit analysis, cost-benefit determination under section 623(d), and any risk assessment required under this subchapter shall not be subject to judicial review separate from review of the final rule to which such analysis or assessment applies. The cost-benefit analysis, cost-benefit determination under section 623(d), and any risk assessment shall be part of the rule making record and shall be considered by a court to the extent relevant, only in determining whether the final rule is arbitrary, capricious, an abuse of discretion, or is unsupported by substantial evidence where that standard is otherwise provided by law.

"(e) If an agency fails to perform the cost-benefit analysis, cost-benefit determination, or risk assessment, or to provide for peer review, a court shall remand or invalidate the rule.

"§ 628. Guidelines, interagency coordination, and research

"(a)(1) No later than 9 months after the date of enactment of this section, the Director, in consultation with the Council of Economic Advisors, the Director of the Office of Science and Technology Policy, and relevant agency heads, shall issue guidelines for cost-benefit analyses, risk assessments, and peer reviews as required by this subchapter. The Director shall oversee and periodically revise such guidelines as appropriate.

"(2) As soon as practicable and no later than 18 months after issuance of the guidelines required under paragraph (1), each agency subject to section 624 shall adopt detailed guidelines for risk assessments as required by this subchapter. Such guidelines shall be consistent with the guidelines issued under paragraph (1). Each agency shall periodically revise such agency guidelines as appropriate.

"(3) The guidelines under this subsection shall be developed following notice and public comment. The development and issuance of the guidelines shall not be subject to judicial review, except in accordance with section 706(1) of this title.

"(b) To promote the use of cost-benefit analysis and risk assessment in a consistent manner and to identify agency research and training needs, the Director, in consultation with the Council of Economic Advisors and the Director of the Office of Science and Technology Policy, shall—

"(1) oversee periodic evaluations of Federal agency cost-benefit analysis and risk assessment;

"(2) provide advice and recommendations to the President and Congress to improve agency use of cost-benefit analysis and risk assessment;

"(3) utilize appropriate interagency mechanisms to improve the consistency and quality of cost-benefit analysis and risk assessment among Federal agencies; and

"(4) utilize appropriate mechanisms between Federal and State agencies to improve cooperation in the development and application of cost-benefit analysis and risk assessment.

"(c)(1) The Director, in consultation with the head of each agency, the Council of Economic Advisors, and the Director of the Office of Science and Technology Policy, shall periodically evaluate and develop a strategy to meet agency needs for research and training in cost-benefit analysis and risk assessment, including research on modelling, the development of generic data, use of assumptions and the identification and quantification of uncertainty and variability.

"(2)(A) No later than 6 months after the date of enactment of this section, the Director, in consultation with the Director of the Office of Science and Technology Policy, shall enter a contract with an accredited scientific institution to conduct research to—

"(i) develop a common basis to assist risk communication related to both carcinogens and noncarcinogens; and

"(ii) develop methods to appropriately incorporate risk assessments into related cost-benefit analyses.

"(B) No later than 24 months after the date of enactment of this section, the results of the research conducted under this paragraph shall be submitted to the Director and Congress.

"§ 629. Risk based priorities study

"(a) No later than 1 year after the date of enactment of this section, the Director, in consultation with the Director of the Office of Science and Technology Policy, shall enter into a contract with an accredited scientific institution to conduct a study that provides—

"(1) a systematic comparison of the extent and severity of significant risks to human health, safety, or the environment (hereafter referred to as a comparative risk analysis);

"(2) a study of methodologies for using comparative risk analysis to compare dissimilar risks to human health, safety, or the environment, including development of a common basis to assist comparative risk analysis related to both carcinogens and noncarcinogens; and

"(3) recommendations on the use of comparative risk analysis in setting priorities for the reduction of risks to human health, safety, or the environment.

"(b) The Director shall ensure that the study required under subsection (a) is—

"(1) conducted through an open process providing peer review consistent with section 625 and opportunities for public comment and participation; and

"(2) no later than 3 years after the date of enactment of this section, completed and submitted to Congress and the President.

"(c) No later than 4 years after the date of enactment of this section, each relevant agency shall, as appropriate, use the results of the study required under subsection (a) to inform the agency in the preparation of the agency's annual budget and strategic plan and performance plan under section 306 of this title and sections 1115, 1116, 1117, 1118, and 1119 of title 31.

"(d) No later than 5 years after the date of enactment of this section, and periodically thereafter, the President shall submit a report to Congress recommending legislative changes to assist in setting priorities to more effectively and efficiently reduce risks to human health, safety, or the environment.

"SUBCHAPTER III—REVIEW OF RULES

"§ 631. Definitions

"For purposes of this subchapter—

"(1) the definitions under section 551 shall apply; and

"(2) the term 'economically significant rule' means a rule that—

"(A) is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable costs; or

"(B) is likely to adversely affect, in a material way, the economy, a sector of the economy, including small business, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities.

"§ 632. Review of rules

"(a)(1) No later than 1 year after the date of enactment of this section (and no later than every 5th year following the year in which this section takes effect) each agency shall publish in the Federal Register a preliminary schedule for the review of economically significant rules previously promulgated by the agency. The preliminary schedule shall be subject to public comment for 60 days after the date of publication. Within 120 days after the close of the public comment period, each agency shall publish a final schedule in the Federal Register.

"(2) In selecting which economically significant rules it shall review, each agency shall consider the extent to which—

"(A) the rule could be revised to be substantially more cost-effective or to substantially increase net benefits, including through flexible regulatory options;

"(B) the rule is important relative to other rules being considered for review; and

"(C) the agency has discretion under the statute authorizing the rule to modify or repeal the rule.

"(3) Each preliminary and final schedule shall include—

"(A) a brief description of each rule selected for review;

"(B) a brief explanation of the reasons for the selection of each such rule for review; and

"(C) a deadline for the review of each rule listed thereon, and such deadlines shall occur no later than 5 years after the date of publication of the final schedule.

(4) No later than 6 months after the deadline for a rule as provided under paragraph (3)(C), the agency shall publish in the Federal Register the determination made with respect to the rule and an explanation of such determination.

"(5)(A) If an agency makes a determination to amend or repeal a rule, the agency shall complete final agency action with regard to such rule no later than 2 years after the deadline established for such rule under paragraph (3).

(B) The Director may extend a deadline under this section for no more than 1 year if the Director—

"(i) for good cause finds that compliance with such deadline is impracticable; and

"(ii) publishes in the Federal Register such finding and a succinct explanation of the reasons for the finding.

"(b) The agency shall include with the publication under subsection (a) the identification of any legislative mandate that requires the agency to impose rules that the agency determines are unnecessary, outdated or unduly burdensome.

"(c)(1) The Administrator shall work with interested entities, including small entities and State, local, and tribal governments, to pursue the objectives of this subchapter.

"(2) Consultation with representatives of State, local, and tribal governments shall be governed by the process established under section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

"SUBCHAPTER IV—EXECUTIVE OVERSIGHT

"§ 641. Definitions

"For purposes of this subchapter—

"(1) the definitions under sections 551 and 621 shall apply; and

"(2) the term 'regulatory action' means any one of the following:

"(A) Advance notice of proposed rule making.

"(B) Notice of proposed rule making.

"(C) Final rule making, including interim final rule making.

"§ 642. Presidential regulatory review

"(a) The President shall establish a process for the review and coordination of Federal agency regulatory actions. Such process shall be the responsibility of the Director.

"(b) For the purpose of carrying out subsection (a), the Director shall—

"(1) develop and oversee uniform regulatory policies and procedures, including those by which each agency shall comply with the requirements of this chapter;

"(2) develop policies and procedures for the review of regulatory actions by the Director; and

"(3) develop and oversee an annual governmentwide regulatory planning process that shall include review of planned significant regulatory actions and publication of—

"(A) a summary of and schedule for promulgation of planned agency major rules;

"(B) agency specific schedules for review of existing rules under subchapter III and section 610;

"(C) a summary of regulatory review actions undertaken in the prior year;

"(D) a list of major rules promulgated in the prior year for which an agency could not make the determinations that the benefits of a rule justify the costs under section 623(d);

"(E) identification of significant agency noncompliance with this chapter in the prior year; and

"(F) recommendations for improving compliance with this chapter and increasing the efficiency and effectiveness of the regulatory process.

"(c)(1) The review established under subsection (a) shall be conducted as expeditiously as practicable and shall be limited to no more than 90 days.

"(2) A review may be extended longer than the 90-day period referred to under paragraph (1) by the Director or at the request of the rule making agency to the Director. Notice of such extension shall be published promptly in the Federal Register.

"§ 643. Public disclosure of information

"(a) The Director, in carrying out the provisions of section 642, shall establish procedures to provide public and agency access to information concerning review of regulatory actions under this subchapter, including—

"(1) disclosure to the public on an ongoing basis of information regarding the status of regulatory actions undergoing review;

"(2) disclosure to the public, no later than publication of a regulatory action, of—

"(A) all written communications relating to the substance of a regulatory action, including drafts of all proposals and associated analyses, between the Administrator or employees of the Administrator and the regulatory agency;

"(B) all written communications relating to the substance of a regulatory action between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government;

"(C) a list identifying the dates, names of individuals involved, and subject matter discussed in substantive meetings and telephone conversations relating to the substance of a regulatory action between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government; and

"(D) a written explanation of any review action and the date of such action; and

"(3) disclosure to the regulatory agency, on a timely basis, of—

"(A) all written communications relating to the substance of a regulatory action between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government;

"(B) a list identifying the dates, names of individuals involved, and subject matter discussed in substantive meetings and telephone conversations, relating to the substance of a regulatory action between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government; and

"(C) a written explanation of any review action taken concerning an agency regulatory action and the date of such action.

"(b) Before the publication of any proposed or final rule, the agency shall include in the rule making record—

"(1) a document identifying in a complete, clear, and simple manner, the substantive changes between the draft submitted to the Administrator for review and the rule subsequently announced;

"(2) a document identifying and describing those substantive changes in the rule that were made as a result of the regulatory review and a statement if the Administrator suggested or recommended no changes; and

"(3) all written communications relating to the substance of a regulatory action between the Administrator and the agency during the review of the rule, including drafts of all proposals and associated analyses.

"(c) In any meeting relating to the substance of a regulatory action under review between the Administrator or employees of the Administrator and any person not employed by the executive branch of the Federal Government, a representative of the agency submitting the regulatory action shall be invited.

"§ 644. Judicial review

"The exercise of the authority granted under this subchapter by the President, the Director, or the Administrator shall not be subject to judicial review in any manner.".

(b) PERIODIC REVIEW OF RULES.—Section 610 of title 5, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a)(1)(A) No later than 60 days after the effective date of this section (and every fifth year following the year in which this section takes effect) each agency shall submit to the Administrator of the Office of Information and Regulatory Affairs and the Chief Counsel for Advocacy of the Small Business Administration a proposed plan describing the procedures and timetables for the periodic review of rules issued by the agency that have or will have a significant economic impact on a substantial number of small entities. No later than 60 days after the submission of the proposed plan to the Administrator and the Chief Counsel, such plan shall be published in the Federal Register and shall be subject to public comment for 60 days after the date of publication.

"(B) No later than 120 days after the publication of the plan under subparagraph (A),

each agency shall submit a final plan to the Administrator and the Chief Counsel. No later than 60 days after the date of such submission of the plan to the Administrator and Chief Counsel, each agency shall publish the agency's final plan in the Federal Register.

"(C) Each agency's plan shall provide for the review of such rules no later than 5 years after publication of the final plan.

"(2)(A) Each year, each agency shall publish in the Federal Register a list of rules that will be reviewed under the plan during the succeeding fiscal year.

"(B) The publication of the list under subparagraph (A) shall include—

"(i) a brief description of each rule and the basis for the agency's determination that the rule has or will have a significant economic impact on a substantial number of small entities;

"(ii) the need for and legal basis of each rule; and

"(iii) an invitation for public comment on each rule.

"(3)(A) Each agency shall conduct a review of each rule on the list published under paragraph (2) in accordance with the plan maintained under paragraph (1) and pursuant to the factors under subsection (b). After the completion of the review, the agency shall determine whether the rule should be continued without change, or should be amended or rescinded, consistent with the stated objectives of the applicable statutes, to minimize any significant economic impact of the rule upon a substantial number of small entities.

"(B) No later than 18 months after the date of the publication of the list of rules referred to under paragraph (2)(A), each agency shall publish in the Federal Register the determinations made with respect to such rules under subparagraph (A) and an explanation for each determination.

"(4) If the head of an agency determines that the completion of a review of a rule under this subsection is not feasible within the period described under paragraph (1)(C), the head of the agency—

"(A) shall certify such determination in a statement published in the Federal Register; and

"(B) may extend the completion date of the review by 1 year at a time for a total of not more than 2 years."; and

(2) by striking subsection (c) and inserting the following:

"(c) The Administrator and the Chief Counsel shall work with small entities to achieve the objectives of this section.".

(c) PRESIDENTIAL AUTHORITY.—Nothing in this Act shall limit the exercise by the President of the authority and responsibility that the President otherwise possesses under the Constitution and other laws of the United States with respect to regulatory policies, procedures, and programs of departments, agencies, and offices.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Part I of title 5, United States Code, is amended by striking the chapter heading and table of sections for chapter 6 and inserting the following:

"CHAPTER 6—THE ANALYSIS OF REGULATORY FUNCTIONS

"SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY

"Sec.
"601. Definitions.
"602. Regulatory agenda.
"603. Initial regulatory flexibility analysis.
"604. Final regulatory flexibility analysis.
"605. Avoidance of duplicative or unnecessary analyses.
"606. Effect on other law.
"607. Preparation of analysis.
"608. Procedure for waiver or delay of completion.
"609. Procedures for gathering comments.
"610. Periodic review of rules.
"611. Judicial review.
"612. Reports and intervention rights.

"SUBCHAPTER II—REGULATORY ANALYSIS

"621. Definitions.
"622. Applicability and effect.
"623. Regulatory analysis.
"624. Principles for risk assessments.
"625. Peer review.
"626. Deadlines for rule making.
"627. Judicial review.
"628. Guidelines, interagency coordination, and research.
"629. Risk based priorities study.

"SUBCHAPTER III—REVIEW OF RULES

"631. Definitions.
"632. Review of rules.

"SUBCHAPTER IV—EXECUTIVE OVERSIGHT

"641. Definitions.
"642. Presidential regulatory review.
"643. Public disclosure of information.
"644. Judicial review.".

(2) Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

"SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY".

SEC. 4. COMPLIANCE WITH THE UNFUNDED MANDATES REFORM ACT OF 1995.

Compliance with the requirements of subchapter II of chapter 6 of title 5, United States Code (as added by section 3 of this Act), shall constitute compliance with the requirements pertaining to the costs and benefits of a Federal mandate to the private sector in sections 202, 205(a)(2), and 208 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532, 1535(a)(2), and 1538).

SEC. 5. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect 180 days after the date of enactment of this Act, but shall not apply to any agency rule for which a notice of proposed rule making is published on or before 60 days before the date of enactment of this Act.

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

Mr. LEVIN. Mr. President, today Senator THOMPSON and I and the cosponsors to S. 981, Senators GLENN, ABRAHAM, ROBB, ROTH, ROCKEFELLER, STEVENS, GRAMS, and COCHRAN are putting in the RECORD a substitute we will be offering in the Governmental Affairs Committee to S. 981, the Regulatory Improvement Act of 1997.

The substitute is the product of several months of dialogue with interested parties, including the Administration; environmental, labor and public interest groups; the business community; the National Governors' Association; academic experts and various associations. I hope that a number of these persons and groups will support the substitute.

This dialogue began with the Committee's hearing on the bill on September 12th and continued through the end of January. The substitute does not make any radical changes to the bill as introduced, but it does clarify a number of important issues and lay to rest areas of possible uncertainty.

The major changes in the substitute are:

(1) We have added a so-called "savings clause" that affirms that nothing in the bill is intended to supersede any requirement for rulemaking or opportunity for judicial review applicable under any other Federal law. That was our intent all along with this bill, but various groups asked that we make it explicit, so we did.

(2) We modified the judicial review section to conform it to current judicial review principles, by eliminating, for example, the requirement for showing of non-materiality with respect to the cost-benefit analysis or risk assessment. The regulatory analysis is part of the whole rulemaking record and shall be considered by the court, to the extent relevant, only in determining whether the final rule is arbitrary or capricious. Agency failure to comply with the procedural requirements of S. 981 would not, in and of itself, be grounds for remanding or invalidating the rule. However, if an agency totally fails to perform a required analysis, including peer review, the court shall remand or invalidate the rule.

(3) We modified the cost-benefit determination provision to make absolutely clear that the agency determination is a disclosure requirement and does not dictate the substantive outcome of a rule.

(4) We changed the definition of "substitution risk" to require that it be a "significant" increased risk instead of just an increased risk, and we eliminated the requirement of a full risk assessment under the procedures of the bill for significant substitution risks.

(5) We changed the principles for risk assessment to be less prescriptive to the agencies and to be more accommodating for non-carcinogenic risks. The risk assessment provisions more accurately reflect the diversity and uncertainties in risk assessment while adding the requirement that agencies identify central and high-end estimates of risk.

(6) We added a requirement that agencies develop an effective process for State, local and tribal governments to consult with agencies and provide input as new rules containing federal mandates are developed and old rules are modernized.

(7) We enhanced the independence and quality of the peer review process, and require agencies to apply current standards for conflicts of interest.

(8) We modified the review of rules procedures to reduce the bureaucracy in the bill as introduced by eliminating the need for agency advisory committees. We also include an amendment to the Regulatory Flexibility Act to enhance the review of rules affecting

small businesses and small governments.

Those are some of the most important changes made by this substitute.

I believe this bill will improve the regulatory process, will build confidence in the regulatory programs that are so important to this society's well-being, and will result in a better—and I believe—a less contentious regulatory process.

Mr. President, many people think that when many of us fought hard against the Dole-Johnston bill that we didn't really want to reform the regulatory process. Well they are wrong. Many of us were disappointed that we were unable to pass a comprehensive regulatory reform bill in the last Congress. We weren't going to support bad reform, but that doesn't mean we didn't want to see good reform. Those of us who believe in the benefits of regulation to protect health and safety have a particular responsibility to make sure that regulations are sensible and cost-effective. When they aren't, the regulatory process—which is so vital to our health and well being—comes under constant attack. By providing a common sense, moderate and open regulatory process, we are contributing to the well being of that process and immunizing it from the attacks on excess.

Mr. President, I ask unanimous consent that major changes in the substitute and a summary of the substitute to S. 981 be printed in the RECORD.

SUMMARY OF THE REGULATORY IMPROVEMENT ACT OF 1998 (SUBSTITUTE)

1. *Regulatory Analysis* (§ 623)

When issuing major rules (costing over $100 million or deemed by OMB to have a significant impact on the economy), Federal agencies must conduct a regulatory analysis, including a cost-benefit analysis and, if relevant, a risk assessment.

a. *Cost-benefit analysis*

The cost-benefit analysis shall consider: The expected benefits of the rule quantifiable and nonquantifiable); the expected costs of the rule quantifiable and nonquantifiable); and reasonable alternatives, including flexible regulatory options—such as market-based mechanisms or outcome-oriented performance-based standards;

b. *Cost-benefit determination*

The agency shall include in the statement of basis and purpose for the rule a reasonable determination: (1) whether the rule is likely to provide benefits that justify its costs; and (2) whether the rule is likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, then the other reasonable alternatives considered by the agency.

If the agency determines that the rule is not likely to provide benefits that justify its costs or to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the other reasonable alternatives, it shall: (1) explain the reasons for selecting the rule notwithstanding such determination; (2) identify any statutory provision that required the agency to select such rule; and (3) describe any reasonable alternative considered by the agency that would be likely to provide such benefits.

The agency shall include an executive summary in the regulatory analysis and in the statement of basis and purpose for the rule.

There is an exception from the regulatory analysis requirements when the agency for good cause finds that conducting the regulatory analysis before the rule becomes effective is impracticable or contrary to an important public interest.

Each agency shall develop an effective process to allow elected representatives of State, local and tribal governments to provide meaningful and timely input into regulatory proposals, consistent with the Unfunded Mandates Reform Act of 1995.

2. *Risk assessment principles* (§ 624)

Agencies shall conduct risk assessments under § 624 for (1) major rules that have the primary purpose of addressing health, safety, or environmental risks, and (2) risk assessments not related to a rule making that the OMB Director determines would have a substantial impact on a significant public policy or the economy. To promote transparent and scientifically sound risk assessments, agencies would be required to—identify and explain significant assumptions made when measuring risks; notify the public about upcoming risk assessments and allow people to submit relevant and reliable information; disclose relevant information about the risk, including the range and distribution of risks and corresponding exposure scenarios, for the potentially exposed population and for any more highly exposed or sensitive subpopulations; and when scientific information permits, compare the risk being analyzed with other reasonable comparable risks familiar to and routinely encountered by the general public.

3. *Peer review* (§ 625)

Agencies shall conduct independent peer review for required cost-benefit analyses and risk assessments. Agency standards governing conflicts of interest apply. Peer review can be formal or informal, as warranted. Peer review is not required where the agency and OMB certify that an assessment or analysis has previously been subjected to adequate peer review.

4. *Deadlines for rule making* (§ 626)

For two years after the Act becomes effective, agencies have the opportunity for a 6-month extension from a regulatory deadline if needed to satisfy the requirements of the Act.

5. *Judicial Review* (§ 627)

Judicial review will ensure that agencies perform cost-benefit analyses, risk assessments, and peer reviews. The cost-benefit analysis and risk assessment are included in the rule making record for purposes of judicial review of the final rule only under the deferential arbitrary and capricious standard. Failure to comply with a specific procedural requirement of S. 981 regarding how to perform a risk assessment or cost-benefit analysis would not, in and of itself, be grounds for invalidating a rule.

6. *Guidelines, interagency coordination, and research* (§ 628)

Within 9 months, OMB is required to consult with CEA, OSTP and relevant agencies to develop broad guidelines for cost-benefit analyses, risk assessments and peer reviews as required by the Act.

Within 18 months after issuance of the general guidelines, each agency subject to § 624 shall develop detailed guidelines for risk assessments tailored to agency programs, consistent with the general guidelines.

OMB shall consult with CEA and OSTP to evaluate and improve agency cost-benefit analysis and risk assessment practices.

Within 6 months, OMB shall consult with OSTP to enter a contract for research to develop common basis to assist risk communication, and to develop methods to appropriately incorporate risk assessments into cost-benefit analyses.

7. *Risk-based priorities study* (§ 629)

OMB, in consultation with OSTP, shall enter into a contract with an accredited scientific institution to conduct a study that provides a comparison of significant health, safety and environmental risks, the methodologies for such comparisons, including development of a common basis to assist comparative risk analysis related to both carcinogens and noncarcinogens, and recommendations on the use of comparative risk analysis to set priorities to reduce risks to human health, safety, or the environment.

Within 5 years, the President shall submit a report to Congress recommending legislative changes to assist in setting priorities to more effectively and efficiently reduce risks to health, safety and the environment.

8. *Review of Rules* (§§ 631–632; Sec. (b))

To periodically review economically significant rules, each agency shall publish a review schedule every 5 years. In selecting rules for review, the agency shall consider the extent to which the rule could be revised to be substantially more cost-effective, or to substantially increase net benefits, as well as whether the agency has statutory authority to modify or repeal the rule. If, as a result of the review, the agency determines to amend or repeal a rule, it shall complete the rulemaking within 2 years. For good cause, the OMB Director may extend the deadline for 1 year. Consultation with representatives of State, local and tribal governments shall be governed by the process established under section 204 of the Unfunded Mandates Reform Act.

To provide for the review of rules affecting small entities, S. 981 amends Section 610 of the Regulatory Flexibility Act. Agencies would review Reg-Flex rules every 5 years, and the Chief Counsel for Advocacy of the Small Business Administration and the Administrator of OMB's Office of Information and Regulatory Affairs would oversee the review process.

9. *Executive Oversight* (§§ 641–644)

The bill codifies the regulatory review process and sets out responsibilities and authority of OMB's Office of Information and Regulatory Affairs (OIRA) to develop policies and procedures to review regulatory actions and to develop and oversee an annual government-wide regulatory planning process that includes the review of major rules and other significant regulatory actions.

OIRA shall establish procedures to provide public and agency access to information concerning regulatory review actions.

Information to be disclosed to the public includes: the status of regulatory actions; written communications between OIRA and the agency on the regulatory action; written communications between OIRA and persons outside the Executive Branch; and a list identifying the dates, names of individuals involved, and subject matter discussed in meetings and telephone conversations relating to the regulatory action between OIRA and persons not employed by the Executive Branch.

Information to be disclosed to the regulatory agency includes: written communications between OIRA and persons outside the Executive Branch on a regulatory action; a list identifying the dates, names of individuals involved, and subject matter discussed in meetings and telephone conversations relating to the regulatory action between

OIRA and persons not employed by the Executive Branch; and a written explanation of any review action taken.

The agency shall include in the rule making record: (1) a document identifying the substantive changes between the draft submitted to OIRA for review and the rule subsequently announced; (2) a document identifying and describing those substantive changes in the rule that were made as a result of the regulatory review and a statement if the Administrator suggested or recommended no changes; and (3) all written communications exchanged between OIRA and the agency during the review of the rule, including drafts of all proposals and associated analyses.

10. *Effective Date* (Section 4)

The Act shall take effect 180 days after the date of enactment, but shall not apply to any agency rule for which a notice of proposed rule making is published on or before 60 days before enactment.

MAJOR CHANGES IN SUBSTITUTE TO S. 981

SAVINGS CLAUSE: Adds a "savings" clause which affirms that nothing in the bill is intended to supersede any requirement for rulemaking or opportunity for judicial review applicable under any other Federal law.

JUDICIAL REVIEW: Conforms the judicial review section to current judicial review principles, by eliminating, for example, requirement for showing of non-materiality with respect to the cost-benefit analysis or risk assessment. The regulatory analysis is part of the whole rule making record and shall be considered by the court, to the extent relevant, only in determining whether the final rule is arbitrary or capricious. Agency failure to comply with the procedural requirements of S. 981 would not, in and of itself, be grounds for remanding or invalidating the rule. However, if an agency fails to perform a required analysis, including peer review, the court shall remand or invalidate the rule.

COST-BENEFIT DETERMINATION: Modifies the cost-benefit determination provision to make absolutely clear that the agency determination is a disclosure requirement and does not dictate the substantive outcome of a rule.

SUBSTITUTION RISK: Changes the definition of "substitution risk" to require that it be a "significant" increased risk instead of just an increased risk. Eliminates the requirement of a full risk assessment under the procedures of the bill for significant substitution risks. Requires that an agency identify and evaluate substitution risks in the regulatory analysis where information on such risks is reasonably available to the agency.

RISK ASSESSMENT: Changes the principles for risk assessment to be less prescriptive to the agencies and to be more accommodating for non-carcinogenic risks. More accurately reflects diversity and uncertainties in risk assessment while adding requirement for agencies to identify central and high-end estimates of risk. Provides a more accurate definition of "risk assessment". Applies the risk assessment procedures in the bill to important risk assessments, which are not related to a rule making, if designated by the OMB Director. Requires agencies to notify the public of upcoming risk assessments and to solicit relevant data.

COMPARATIVE RISK STUDY: Simplifies comparative risk study. Agencies are to use the results of study to inform the preparation of their budgets and strategic planning under the Government Performance and Results Act.

STATE/LOCAL GOVERNMENT: Requires agencies to develop an effective process for State, local and tribal governments to consult with agencies and provide input as new rules containing federal mandates are developed and old rules are modernized.

Strikes the requirement that an agency evaluate the benefits and costs of alternative approaches to regulating that *inter alia* "accommodate differences among geographic regions and among persons with differing levels of resources" and substitutes the requirement that consideration be given to alternatives that provide flexibility for small entities and state, local and tribal governments.

PEER REVIEW: Enhances the independence and quality of the peer review process. Applies current standards for conflicts of interest.

REVIEW OF RULES: Modifies review of rules procedures to reduce the bureaucracy in the bill as introduced by eliminating the need for agency advisory committees. Also amends the Regulatory Flexibility Act to enhance the review of rules affecting small businesses and small governments.

OTHER:

Provides more accurately worded exceptions to the definition of "rule"; adds as an exception a rule that authorizes the introduction of a product into commerce.

Modifies definition of "major rule" to strike "or a group of closely related rules".

Findings better reflect the value of regulatory programs and how cost-benefit analysis can result in more benefits at less cost.

Modifies the "good cause exception" for meeting the regulatory analysis requirements of the bill by striking the limitations on what could be considered to be "contrary to the public interest."

Adds Council of Economic Advisors to entities required to be consulted by OMB Director when issuing cost-benefit analysis guidelines.

Provides that compliance with the Regulatory Improvement Act shall constitute compliance with the provisions of the Unfunded Mandates Reform Act as they relate to the private sector.

Mr. THOMPSON. Mr. President, I am pleased to join Senator LEVIN and eight of our colleagues in submitting a substitute for S. 981, the Regulatory Improvement Act. This substitute incorporates some clarifications and improvements to the bill as result of our Committee hearing, written statements and letters, and a series of discussions with the Administration, environmental and public interest groups, State and local government, scholars, and other interested parties. I ask unanimous consent that a summary of the substitute and a list of the major changes to the substitute be included in the RECORD following my remarks. The substitute is the text that we will use as the basis for our Committee markup. This bill is an effort by many of us who want to improve the quality of government to find a common solution. The supporters of this bill represent a real diversity of political viewpoints, but we share the same goals. We want an effective government that protects public health, well-being and the environment. We want our government to achieve those goals in the most sensible and efficient way possible. We want to do the best we can with what we've got, and to do more good at less cost if possible. The Regulatory Improvement Act will help us do just that.

The Regulatory Improvement Act is based on a simple premise: that people have a right to know how and why government agencies make their most important and expensive regulatory decisions. The S. 981 not only gives people the right to know; it gives them the right to see—to see how the government works, or how it doesn't. And by providing people with information the government uses to make decisions, it gives people a real opportunity to influence those decisions. So much of what goes on right now is pretty much done in secret. We're going to change that.

Second, the bill will make government more accountable to the people it serves. S. 981 is based on the idea that increased public scrutiny of government decision making—and people who make those decisions—will lead to better and more accountable government performance. It gives people the ability to look over the Federal government's shoulder.

The Regulatory Improvement Act will deliver more decisionmaking power closer to home—and into the hands of State and local governments. The bill empowers people and their State and local officials to provide input into the Federal system. It will make the Federal government more mindful of how unfunded mandates can burden communities and interfere with local priorities. When I became Chairman of the Governmental Affairs Committee last year, I asked the General Accounting Office to investigate whether the Unfunded Mandates Reform Act of 1995 was improving regulations, which was one of its goals. Unfortunately, the answer is "No." GAO released the report today. It is entitled, Unfunded Mandates: Reform Act Has Had Little Effect on Agencies' Rulemaking Actions. I view S. 981 as really phase two of the unfunded mandates reform effort, because it will make Federal regulators—not just Congress—more sensitive to local needs.

Finally, the Regulatory Improvement Act will improve the quality of government decision making—which will lead to a more effective and efficient Federal government. The Regulatory Improvement Act will require the Federal government to make better use of modern decisionmaking tools (such as risk assessment and cost-benefit analysis), which are currently under-used. Right now, these tools are simply options—options that aren't used as much or as well as they should be. The bill also will help the Federal government to set smarter priorities—to better focus money and other resources on the most serious problems.

The Regulatory Improvement Act bill builds on the Clinton Administration's government-wide reinvention efforts. It codifies many of the requirements of Executive Order 12866 and the principles of other Reinventing Regulation initiatives. It will give some needed horsepower to these efforts. This will help us reach our common goal: improving the quality of government. That's why the bill has broad bipartisan support, including myself and Senator LEVIN, as well as Senators GLENN, ABRAHAM, ROBB, ROTH, ROCKEFELLER, STEVENS, GRAMS, and COCHRAN. This is a common sense effort we all can be proud of.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Fraud on the Internet: Scams Affecting Consumers.

This hearing will take place on Thursday, February 10, 1998, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the Subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, February 4, 1998, at 10:00 a.m. in open session, to consider the nomination of General Joseph W. Ralston, USAF, for reappointment as Vice Chairman of the Joint Chiefs of Staff.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 4, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nominations of Donald J. Barry to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior; and Margaret Hornbeck Greene to be a Member of the Board of Directors of the U.S. Enrichment Corporation.

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

COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, February 4, 1998 beginning at 9:30 a.m. in room 215 Dirksen.

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

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 4, 1998 at 2:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "Judicial Nominations."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, February 4, 1998, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 4, 1998 at 10:00 a.m. to hold an open hearing.

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

ADDITIONAL STATEMENTS

FAIR MINIMUM WAGE ACT OF 1998

• Mr. TORRICELLI. Mr. President, I rise today in strong support of the Fair Minimum Wage Act of 1998. I am proud to be an original co-sponsor of this crucial piece of legislation.

Once again, we begin our fight for the dignity and respect of working Americans. Our goal is simple; to ensure that individuals dedicated to hard work and committed to their families no longer live in poverty. The fact is that while our nation is experiencing a time of unprecedented prosperity, nearly 12 million Americans earning the minimum wage still face a daily struggle to maintain an acceptable quality of life.

Sixty years ago, Labor Secretary Frances Perkins successfully convinced our predecessors of the need to pass legislation that would guarantee low wage workers a decent living. Today, the need to maintain a basic level of income for American workers is no less necessary. Indeed, that need has never been greater.

The statistics showing the economic injustice faced by low-wage workers are staggering. Full-time minimum wage workers earn only $10,712 year, $2,600 below the poverty level for a family of three. Given that fact, it should come as no surprise that 38 percent of the people seeking emergency food aid in 1996 were employed.

One reason behind these disturbing statistics is the diminishing purchasing value of the minimum wage. Between 1980 and 1995, inflation rose by 86 percent, but during the same time, the minimum wage was increased by a paltry 37 percent, greatly reducing the purchasing power of American workers. While the minimum wage legislation we passed in 1996 was a bold step towards closing that gap, our work is not complete. And with each passing day, as inflation marches on, workers' purchasing power once again is falling.

The legislation drafted by Senator KENNEDY will take the steps necessary to restore and maintain the purchasing power of the minimum wage into the next century.

As modest as our proposal is, The Fair Minimum Wage Act of 1998 will help guarantee low income workers a degree of economic dignity. It will increase the earnings of over 12 million workers, 60 percent of whom are women, 46 percent of whom are full-time workers, and 40 percent of whom are the sole breadwinners in their families.

An increase in the minimum wage is also closely linked to the success of the 1996 welfare reform. Individuals struggling to make the difficult transition from welfare to work deserve the opportunity to become truly self sufficient. We need to provide an incentive to exchange welfare checks for paychecks.

The Economic Policies Institute has concluded that, not only did low income families reap the majority of the benefits from the last increase, but minimum wage recipients experienced no disemployment effects. Despite the predictions made by our opponents, vulnerable groups, including teenagers and young adults, were not negatively effected by the increase.

In closing, I would like to thank Senator KENNEDY for drafting this legislation and for his tireless efforts on behalf of working Americans throughout his long career in the Senate. As he has said, this is the right thing to do. Put in the words of President Abraham Lincoln, "Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed."•

TRIBUTE TO BEN KENDIG JR., ON BEING NAMED THE 1997 HOSPITAL AUXILIARY/VOLUNTEER OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Ben Kendig Jr., a distinguished individual, for being named the 1997 Hospital Auxiliary/Volunteer of the year. I commend his compassion for others in volunteering countless hours for the service of his fellow citizens.

Ben bravely served his country as a fighter pilot in World War II. After the

war, he attended Massachusetts Institute of Technology and received his degree in aeronautical engineering. Ben then used his skills working at United Aircraft. After that, he then decided to settle down in Nashua, New Hampshire, and opened up his own engineering firm.

After 15 years of running his own business, he decided to retire. However, at the age of 71, he still had plenty of energy and drive so he decided to put it to good use. According to Ben, he wanted to spend his time helping others, an attribute that I admire greatly.

As a result, he joined the Southern New Hampshire Regional Medical Center Messenger Service. Ben initially wanted an easy position with little responsibility, however, it developed into something much greater.

As time went on, Ben accepted more responsibility and assumed leadership roles within the Messenger Service. His dedication to service and supportive energy exceeded the normal expectations of any volunteer. Naturally, people turned to him in times of need. Unfortunately, the president and the director of auxiliary was diagnosed with cancer. Like many times before, Ben picked up the reins of leadership and was appointed the president of the Messenger Service.

This arduous job involved overseeing over 200 volunteers, a position that certainly would test any man. Close to 30,000 hours of time had to be delegated throughout the hospital. Ben also had a budget of $100,000 the organization had to distribute to improve certain areas of the hospital like the maternity ward.

Ben gave not just to the hospital, but to each and every individual with whom he worked. He inspired others by his own actions and caring attitude. Ben exceeded the expectations and surpassed the ordinary responsibilities of a volunteer. Mr. President, I want to congratulate Ben for his outstanding work and I am proud to represent him in the U.S. Senate.•

THE 13TH LABOR OF HERCULES

• Mr. MOYNIHAN. Mr. President, nearly a year-and-a-half since I wrote President Clinton urging him to appoint a high level aide to handle the Year 2000 Computer Problem, I am encouraged that the President has made this issue a top priority, and named John Koskinen to chair a Presidential Year 2000 Council.

The President's council has many similarities to the Commission/Task Force that would have been created by my bill, S. 22, which I introduced on the first day of the 105th Congress (1/21/97). This all has come about in no small part because of the tireless efforts of Representative STEVE HORN and his House Government Reform Subcommittee. I look forward to working closely with Mr. Koskinen.

Having spent two years studying, and warning of, the lagging progress of the agencies on this issue, I should warn Mr. Koskinen that with fewer than two years remaining, he faces what looks to be the 13th labor of Hercules.•

LANE A. RALPH

• Mr. LUGAR. Mr. President, on February 1, 1998, Lane A. Ralph celebrated his 20th anniversary of service in the Indiana State Office of the United States Senate. In recognition of this milestone achievement, and with deepest appreciation, I commend him.

An alumnus of Indiana State University with a Bachelor's Degree in Political Science and a Master's of Public Administration, Lane joined my state office staff during my second year of membership in the Senate. In the ensuing years, Lane has worn many hats with unbridled enthusiasm, vast energy and selfless commitment.

In 1980, Lane rose to the challenge of serving two senators, as Senator Dan Quayle and I established the only combined state office in the country. When Senator DAN COATS joined the Senate in 1988, Lane continued his selfless commitment to serve both of us, ceaselessly offering sage council, valued continuity and dedication to a shared purpose. Lane has consistently articulated a vision of humane government and has demonstrated a genuine commitment to public service. He has served with humility, compassion and empathy for those in need.

As the Director of Projects for the United States Senate State of Indiana Office, Lane has provided leadership with integrity and intelligence. He has developed an extraordinary encyclopedic-knowledge of people, places, facts and issues which affect the quality of life of all Hoosiers. He has cultivated a comprehensive network of contacts in federal, state and local government and among community leaders who value his responsible and credible expertise, as well as his well-reasoned approach to public policy.

Lane's leadership in environmental issues is well-known throughout Indiana. He has been a steadfast advocate of soil and water conservation, clean air and water, better forest management and responsible hazardous waste disposal. In his collaborations with Operation Lifesaver, Lane has worked tirelessly to educate Hoosiers in railroad-crossing safety. As an expert in public works issues, he has assisted elected officials, municipal administrators and concerned citizens enhance Indiana's roads, drinking-water systems and planning mechanisms.

In his many years of service, Lane has consistently demonstrated a talent for forthrightness and for clarifying the intricacies of complex situations. He cuts to the heart of concerns and issues with a knack for asking key questions. Lane is fairminded and industrious with people from all walks of life, balancing the interests of conflicting parties and affably fostering collaborative partnerships.

Apart from his distinguished career of public service, Lane has been a loving and generous partner to his wife, Ruth, throughout their 18 years of marriage. He is a caring and supportive father to his two daughters, Elina and Emily. He is also personally, my trusted and loyal friend.

For his honesty, sincerity and integrity, for his dedication to excellence and for his genuine decency, I commend Lane A. Ralph for 20 remarkable years of service.•

TRIBUTE TO 1997 DOVER (N.Y.) HIGH SCHOOL FOOTBALL TEAM

• Mr. D'AMATO. Mr. President, consistent with the greatest traditions of athletic competition, the 1997 Dover High School football team became the first in Dutchess County history to earn the high honor of New York State Champion. Rolling to victory after victory, their perfect season culminated in a spectacular double-overtime triumph over Christian Brothers Academy of Syracuse.

While the victories they gained were as a team of 31 dedicated scholar-athletes, they did not travel that road to victory alone. Behind them all the way were their parents, their classmates and the entire community. Guiding them and offering encouragement in difficult times while challenging them to be the best were their coaches: Bill Broggy, Chris Lounsbury, John Thorpe, Bill Peel, Paul Kenny and Israel Lorimer.

Their skill on the field, their refusal to give up and their commitment to excellence have brought honor and distinction not only to the Dover Dragons, but to all of Section 1. In addition to their undefeated season and many memories, they have developed skills that will be with them long after their playing days are over. The dedication they displayed through countless hours of practice, their sense of teamwork, and the ability to rise to a challenge will serve them well as they continue to grow not only as athletes, but as human beings.

Leading up to the championship game on November 28, 1997, the players, coaches, parents, and so many fans traveled with hope and pride to play and watch the ultimate game. Win or lose, the Dover Dragons had made it all the way to the New York State Championship at the Carrier Dome. Facing a tough hometown team, the Dover Dragons never backed down and never forgot what brought them to the contest. Although facing defeat in the fourth quarter, the Dragons tapped their collective strength and battled back through two overtimes to earn

the title of New York State Champion. This championship win represented an entire season of tenacity, commitment, and dedication to excellence.

For so many of our young men and women, the athletic fields are a place to be challenged, a place to succeed, a place to learn the value of teamwork and loyalty. The Dover Dragons have learned these lessons well, and as they continue to celebrate their New York State Championship, I salute them:

The 1997 Dover High School Football Dragons: Tim Jones, Kurt Abrams, John Greiner, Eric Bosley, George Morfea, Chris Maglin, Willie Peel, Spencer Harby, Jeff Aubry, Christian Harby, Chris Barto, Rob Schaus, Chris Zabowski, Shane Barto, Justin Agrella, Luis Jusino, Frank Cawley, Steve Meilleur, Ed Pisano, Matt Judson, Nick Savarese, John Hammond, Rick Rappazzo, Jeff Acken, Pat Hearn, John Locke, Justin Cole, Justin Brown, Matt Light, Nate Davis, Garett Yeno.●

MEASURE READ FOR THE FIRST TIME—S. 1611

Mr. ASHCROFT. In the absence of colleagues on the other side of the aisle, Mr. President, I understand that S. 1611, which was introduced earlier today by Senator FEINSTEIN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (S. 1611) to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

Mr. ASHCROFT. I ask for its second reading, and I object to my own request on behalf of our side of the aisle.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

VITIATION OF PASSAGE AND MEASURE INDEFINITELY POSTPONED—S. 1033

Mr. ASHCROFT. Mr. President, I ask unanimous consent that passage of S. 1033 be vitiated and the bill be indefinitely postponed.

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

VITIATION OF PASSAGE OF MEASURE—S. 940

Mr. ASHCROFT. Mr. President, I ask unanimous consent that passage of S. 940 be vitiated.

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

ORDERS FOR THURSDAY, FEBRUARY 5, 1998

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Thursday, February 5, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately begin morning business, not to exceed 30 minutes, with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator GORTON, 10 minutes; Senator REID, 10 minutes; Senator BAUCUS, 10 minutes.

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

PROGRAM

Mr. ASHCROFT. Mr. President, tomorrow morning, the Senate will be in a period for the transaction of morning business from 10:30 a.m. until 11 a.m. At 11 a.m., the Senate, hopefully, will be able to begin consideration of S. 1601, the cloning bill. It is hoped that the Senate will be able to make good progress on that legislation throughout Thursday's session of the Senate.

As a reminder to all Members of the Senate, we will not be in session on Friday.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Thursday, February 5, 1998, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 4, 1998*

The House met at 10 a.m.

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

We pray, O gracious God, a full measure of your grace to all who seek you in prayer. To those who are ill or know uncertainty for their well-being, grant healing and strength; for those who know not the joys and opportunities of freedom, grant liberty; for those who are fearful for their security or experience conflict or war, grant peace; for those who do not have the necessities of life, grant nourishment for body, mind, and soul; and for those who seek greater meaning or purpose in their own lives, grant direction and fulfillment and the blessed assurance of Your grace and love. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. DOGGETT) come forward and lead the House in the Pledge of Allegiance.

Mr. DOGGETT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with today.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

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

FCC SHOULD SAFEGUARD RURAL TELEPHONE SERVICE CONSUMERS

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

Mr. SHIMKUS. Mr. Speaker, it is time for the Federal Communications Commission to do something to safeguard the telephone rates that people living in rural America pay.

When the Telecommunications Act of 1996 passed, there was one thing Congress wanted to ensure: that rates for residential and rural customers did not skyrocket. To protect against that, the FCC was directed to come with a "competitively neutral" support program.

The law required them to take action by May of last year. We have yet to see action. They announced possible rules, but also stated a whole new round of administrative proceedings. Right now, the FCC is debating which computer model will give them the right answers. Some of the smaller telephone companies have seen their support programs frozen in place; others are still up in the air.

This is not acceptable, Mr. Speaker. I urge the FCC to resolve this issue and resolve it soon. For rural Americans, telephone service at affordable rates is not a luxury, it is essential.

THE REPUBLICAN WAR

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

Mr. PALLONE. Mr. Speaker, I have already said many times on the floor of the House how important it is for us to move on an agenda of managed care reform for consumer protection; and I have to say today that I am very upset to hear that the National Association of Manufacturers is down here today visiting Members trying to basically pressure Members to not support managed care reform.

We have an internal memo that basically says that the message the House Republican leadership is going to send is that we are at war and need to start fighting against managed care reform, and Senator LOTT says that the Senate Republicans need a lot of help from their friends on the outside. "Get off your butts. Get off your wallets."

The Republican leadership is now involved in this special interest activity. They are talking about their wallets and getting off their butts to try to fight against managed care reform.

Mr. Speaker, the American people have spoken out. They want managed care reform. They want quality health care. The Republican leadership should not be backed up by these special interest groups that are down here today to fight against these important, very important, consumer protections that the American people are demanding. This is the beginning of the Republican war.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). Members should refrain from directly referring to members from the other body.

CONGRESS SHOULD RETURN BUDGET SURPLUS TO AMERICAN PUBLIC

(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, the budget estimates are in; and the news is very good. This year, for the first time, the Congress of this Nation is going to have an opportunity to do what the American family has had to do for year after year. That is balance the budget.

Substantial progress has been made and giant steps have been taken in shrinking the size and the scope of the Federal Government. However, we must not stop now. We have finally righted the ship, and now we must take great care to stay the course.

The presence of a budgetary surplus must be used to save our current entitlement programs, not create new ones. This money should be returned to the people, not used to create more layers of bloated Federal bureaucracy.

Now that this Republican Congress has succeeded in balancing the Federal budget, all attention should be focused on the family budget. The liberal's concept of bigger government and $100 billion in newer taxes is not better government. Decreasing taxes and reducing the size and the scope of the Federal Government has gotten us where we are today.

Mr. Speaker, I urge my colleagues to continue this fight. Do not follow this giant step forward with two equally large steps back.

PATIENT ACCESS TO RESPONSIBLE CARE ACT

(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, today the National Association of Manufacturers is in Washington to oppose legislation that would reform managed care. It appears that the Republican leadership will stand with their special interest friends at the expense of average, middle-class Americans.

Now, let us talk about what this legislation is, the Patient Access to Responsible Care Act. Take away that title. This is what this bill is about: ensuring that patients have access to specialists; making it easier for consumers to sue health plans for medical malpractice; and ensuring that medical decisions are made by doctors and not by insurance company bureaucrats and by allowing doctors to tell their patients what their options for medical treatment are and not be gagged by health care providers.

Instead, the National Association of Manufacturers and the Republican leadership want to keep power in the hands of the insurance companies that are more concerned with healthy profits than with healthy patients.

Mr. Speaker, I call on the Republican leadership to join Democrats in supporting these commonsense reforms.

THE ERA OF SMALLER GOVERNMENT

(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, 2 years ago on the lectern to my right behind me, the President stood up and said the era of big government is over. Hence, enter into, I guess, the era of the smaller government. And then this week, as he announced his new $100 billion increase-spending budget, he said we are at the end of an era. So I guess what the President was saying is that the era of big government being over only lasted 2 years, or about 23 months if we are counting.

What else does he say in this new era? Nationalize health care; nationalize Federal day care programs; expansion of the sinking Medicare program, causing more problems for our Nation's seniors; and, of course, paying millions and millions of dollars to that favorite U.N. organization.

We in the Republican party hate to see the era of smaller government being over with. We think that it should continue. We support smaller government and lower taxes; stronger families, not a stronger Washington bureaucracy. We support a stronger military, not a stronger Saddam Hussein. We support stronger local governments and less influence outside of Washington.

INTERNET NEEDS A CHASTITY CHIP

(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, what a world. Frazzled Frances Wyndham believes she got pregnant during a sexy e-mail exchange by a paramour 1,500 miles away. That is right: pregnant.

Frances said, and I quote, "His words were so sexy, I was totally seduced." Talk about instant connection. This is immaculate reception, Mr. Speaker.

And if that is not enough to crash our hard drive, think about the legal implications. What is next? Bill Gates paying child support? Microsoft, my eye.

Mr. Speaker, it is time for Congress to act. The computers do not need a V-chip; Internet needs a chastity chip. I would say, "Beam me up," but that may be a new delivery system for e-mail.

PRESIDENT'S "TAX AND SPEND" BUDGET

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

Mr. CHABOT. Mr. Speaker, President Clinton just 3 years ago proposed a 5-year budget with $200 billion deficits every year for as far as the eye could see. We Republicans said no. We said no to big government, no to using phony numbers. We in Congress insisted on passing a bipartisan budget that balanced and that kept the lid on spending.

Well, here we go again. It is back to budget-busting time. Once again it is going to be up to Congress to act like grown-ups and keep a lid on spending. The President's budget expands entitlement spending. It puts the Medicare program in jeopardy only 1 year after we acted to save it. Taxes go up and up again in the President's budget.

Tax and spend, tax and spend. No matter how good the White House can spin it, and they are very good at spinning, the President's budget is a tax and spend budget.

Mr. Speaker, let us balance the budget. Let us pay down the national debt. Let us really save Social Security, not with smoke and mirrors. And let us give the American people the much deserved tax relief.

AMERICA SHOULD END CUBAN EMBARGO

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

Mr. BARRETT of Wisconsin. Mr. Speaker, last month we witnessed one of the most amazing events in recent memory, one that we thought that we would never see: Communist dictator Fidel Castro welcoming Pope John Paul to Cuba.

The sight of thousands of Cubans turning out to see the Pope and the sounds of his words on Cuban national television rebuking Castro for decades of repression against democracy and the Church were cheered by Americans. The Pope is on our side in the fight against communism and tyranny.

But let us also remember the second part of the Pope's message: The U.S. embargo against Cuba is unfair and inhumane and should be ended. For almost 40 years, we have tried and failed to isolate Castro's Stalinist regime. The Cold War is over, yet we still pretend that the small island 90 miles off our coast does not exist. But for the millions of Cubans who live in poverty, the lack of adequate food and medicine is all too real.

At a time when we send millions in humanitarian aid to "democratic allies" like North Korea, we should heed the Pope's advice by ending the embargo for food and medicine. We can punish Castro, but it is time to stop punishing the poor people who live in Cuba and need food and medicine.

AMERICA SHOULD MOVE CAUTIOUSLY REGARDING IRAQ

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

Mr. PAUL. Mr. Speaker, the Saudis this past week expressed a sincere concern about an anti-American backlash if we start bombing Baghdad. We should not ignore the feelings of the Saudis. If a neighbor can oppose this bombing, we should be very cautious.

In the next week or two, we may have a resolution coming to this floor endorsing the bombing and, in essence, allowing for a declaration of war. Saddam Hussein does not pose any threat to our national security. We should be going very cautiously. Bombing might cause some accident regarding biological warfare. It may cause an irrational act by Saddam Hussein with one of his neighbors. It is bound to kill innocent lives, innocent civilians in Iraq. It could kill many American flyers as well. It costs a lot of money.

And even if we do kill Hussein, what do we do? We create a vacuum, a vacuum that may be filled by Iran. It may be filled by some other groups of Islamic fundamentalists.

There is no real benefit to pursuing this. Our own military has said this is like putting on a show. It is political, not a military operation.

□ 1015

PATIENT BILL OF RIGHTS

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

Mr. BROWN of Ohio. Mr. Speaker, there is a bipartisan coalition formed in Congress to pass a patient bill of rights to curb abuses from health

maintenance organizations, from HMOs. This bill would give people the right to know all their medical options, not just the cheapest: the right to choose the doctor they wanted for the care they need, the right to emergency room care wherever and whenever one needs it, and the right to keep medical records confidential.

A majority of Congress, almost all the Democrats and a fairly large number of Republicans, support the bill. So what is the problem? The problem is Speaker GINGRICH, Republican leadership in this House, Republican leadership in the other body and the insurance industry. Not so long ago there was a memo passed around from one of the top Republican leaders in the other body talking about opposing this legislation and he said, quote, get off your butt, get off your wallets. He talked about spending money and raising money from insurance companies, spending that money to defeat this bipartisan legislation. Again, Mr. Speaker, it is the right thing to do. It is too bad the Republican leadership will not get out of the way and let the House pass it.

THE COMPREHENSIVE HOLOCAUST ACCOUNTABILITY IN INSURANCE MEASURE

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

Mr. FOLEY. Mr. Speaker, during the Second World War and the years preceding it, life insurance companies throughout Europe sold numerous policies to Jews and other minorities worth an average of 400 deutsche marks. As the Nazis seized power and began their anti-Semitic practices, laws were passed to deprive the Jews of their property. In fact a 1933 German law confiscated the property of Jews who emigrated to escape the Nazis. But with sickening irony, Jews who were forcibly deported to the Nazi death camps were considered emigrants, and their property, including any life insurance policies, was confiscated according to German law.

At the war's end death camp survivors and the heirs of those who perished attempted to collect on the life insurance policies that were due. But because many policies had been paid out to the Nazis or because of the companies' unwillingness to pay out the claims, there was no money for the rightful heirs.

Over the years much of the insurance companies' collusion with the Nazis became evident. Some companies attempted a small amount of restitution, but the vast amount of money owed the Holocaust survivors has never been paid.

I have crafted a bill to help these Holocaust victims get restitution.

The Comprehensive Holocaust Accountability in Insurance Measure will prohibit foreign insurance companies and their American subsidiaries from conducting business in the United States or conducting business with a United States bank unless the insurance company fully discloses all financial dealings they have with individuals who are known to have survived or perished during the Holocaust years. Today survivors and surviving heirs are still struggling to regain their property.

I urge Members to cosponsor this bill.

HEALTH CARE

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

Mr. DOGGETT. Mr. Speaker, today our Republican friends are talking about naming airports. What America should really be concerned about is the "NAMing" of our airports. That is right, NAM, the National Association of Manufacturers, is having a corporate fly-in today.

The corporate jets line the runways out at the airport here in Washington, and the special interests fill this Capitol. And what is it all about? They are heeding the cry of the Republican Party to come to Washington and block a consumer bill of rights for health care consumers who are enrolled in managed care: the right to see your own doctor, the right to be able to go to the emergency room without having to ask someone's permission, the right to hold accountable some insurance plan that denies you access to health care, the right of all Americans to begin to do what Texans can already do, and that is to hold accountable these managed health care plans.

But NAM and the Republican Party, they have the NAM slam of this plan. It is really a NAM scam. It is a scam to deny the American people the rights they should have as health care consumers.

HONORING RONALD REAGAN

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

Mr. ROGAN. Mr. Speaker, I would remind my good friend, the gentleman from Texas (Mr. DOGGETT) that the last time a slew of corporate jets converged upon Washington, DC, those executives were not filling the Capitol. I believe they were filling the Lincoln bedroom.

That aside, Mr. Speaker, I rise today to speak about another President: Ronald Reagan. I am pleased to support naming Washington National Airport after him. He was a President whose legacy was not being written by supermarket tabloids. President Reagan's great legacy included 20 million new jobs created, a substantial drop in poverty rates, an increase in middle class and real farm income, and the doubling of women-owned businesses. Under President Reagan, African-American employment increased 46%, and Hispanic employment increased a whopping 84%.

More importantly, Mr. Speaker, he was a President who gave us a romance and patriotism about our country that we knew long since, and had lost for awhile. We recovered that splendid sense under his leadership. It is time to honor President Reagan with this simple, yet well-earned, tribute.

MANAGED CARE REFORM

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

Mr. WYNN. Mr. Speaker, today the American people will get an opportunity to see the spectacle of the dreaded special interest groups. That is right. The National Association of Manufacturers have flown into town to oppose managed care reform.

Congress has in the works the Patient Access to Responsible Care Act, a bipartisan bill, Democrats and Republicans working together to protect patients rights. The President refers to it as a patients' bill of rights. It would guarantee access to emergency rooms, access to specialists. It would make the decisions or put the decisions in the hands of doctors, not medical insurers or bureaucrats or medicrats. It would guarantee that the American people have the kind of access to health care that they deserve.

But the special interests are in town, and they are here to try to scare Americans, to try to convince Americans that if you have a health care bill of rights, you will lose your health insurance, that employers will not be able to offer health insurance to their employees. My colleague says it is a scam. I think he is right. We need to stand up to the dreaded special interest groups.

NEW BIG GOVERNMENT PROGRAMS

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

Mr. PITTS. Mr. Speaker, what would you call a leader that wants to begin spending money before he even has it? Irresponsible? Liberal? Slick? Well, the budget just submitted by the President calls for spending on 39 new big government programs with tax revenues that the government does not yet have. Using the usual sleight of hand, the President's budget makes assumptions about billions of dollars from a tobacco settlement that does not even exist.

Spending money based on tax increases that do not even exist adds new meaning to the expression tax and spend liberal. Now we have a liberal who spends first and hopes that a tooth fairy Congress will give him a tax increase later.

Mr. Speaker, the middle class has gotten the shaft long enough. The middle class is tired of promising something for everyone and sticking their families with the bill. Mr. President, do not break the balanced budget agreement with these new big government spending programs and entitlement expansions. It is time to say no to more big government.

PRESIDENT'S HEALTH CARE TASK FORCE

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

Mr. DAVIS of Illinois. Mr. Speaker, it seems as though we are beginning this year on the same note as last year but with a different tune. Today we are going to vote on House Joint Resolution 343, an effort to deny the legitimate payment of bills incurred by the President's Task Force on National Health Care Reform convened in 1993. Some Members of this body do not want to pay the bills because they did not like the recommendations.

Let us be serious. Let us get on with the real business of this country like providing health care to indigent children, protecting Social Security, fixing our roads and bridges, providing day care, creating jobs with livable wages, hiring teachers and lowering class size.

Let us vote down House Joint Resolution 343 and get on with the real business of the American people.

RONALD REAGAN

(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, later today we are going to vote on a very important resolution concerning former President Ronald Reagan. I love President Reagan for many reasons, but he was a great storyteller. I wanted to relate a story that he told, and I quote:

> I remember one day I was sitting in the principal's office. I was not invited there for a social visit. He said something that fortunately stuck in my mind and I remembered. He said, Reagan, I do not care what you think of me now. I am only concerned with what you will think of me 15 years from now. Thank the Lord I had the opportunity to tell him shortly before he died, how I felt about him 15 years later, after that visit in his office. And I was very grateful for the influence he had on my life.

Mr. Speaker, President Reagan was a man who worked for the people. He was a man concerned about the people. He was a man who put the people first. It has not been 15 years since President Reagan left office, but I believe we, the people, can honor his life by renaming our national airport after him.

CORPORATE SPECIAL INTERESTS

(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, today the corporate special interests are responding to the call of the Republican leadership to get off their wallets. Today they start spending millions of dollars, with the National Association of Manufacturers fly-in, to kill the bipartisan effort to pass a patients' bill of rights to protect people against the excesses of managed care, to make sure that people know that doctors are making the medical decisions and not insurance companies, to make sure that patients have a right to appeal the denial of services, to make sure that people understand that these medical decisions are theirs and between them and their doctors.

But, no, the Republican leadership in the House and the Senate have told the special interests lobby to come to Washington to spend millions of dollars to deny us the right to have a bill that has over 220 cosponsors, Republicans and Democrats, who know that their constituents need these protections against managed care. We have got to respond to the need of our people, not to the corporate interests and their million-dollar campaign.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

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

Mr. WELLER. Mr. Speaker, today I wanted to stand up and rise and speak towards an issue which deserves bipartisan support. That is the issue of eliminating the marriage tax penalty. I believe that the best way to frame the issue of the marriage tax penalty is to ask some very simple questions: Do Americans feel that it is fair that a married couple with two incomes who both work pay higher taxes under our Tax Code? Do Americans feel that it is fair that a married working couple, two incomes, pays higher taxes than an identical couple who choose to live together outside of marriage? That is just not unfair, Mr. Speaker, that is wrong.

On average, 21 million married working couples pay an average of $1,400 more in taxes under our Tax Code today just because they are married. Here in Washington that is a drop in the bucket. Back in the south suburbs of Chicago, $1,400 is a lot of money for the average of those 21 million married working couples: down payment on a car and a home, a year's tuition in a local community college. Let us work together in a bipartisan way and eliminate the marriage tax penalty.

HMO REFORM

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

Mr. ROTHMAN. Mr. Speaker, today the special interests are swarming around this Capitol to defeat HMO reform, reform that will hold the HMOs accountable for their actions. The American people of both political parties want to make their health care decisions with themselves and their doctors and not with some accounting clerk, who is neither a doctor or a nurse or other health care professional, make that decision which often denies them the care that they paid for with their insurance premiums, where the accounting clerk often gets an incentive for denying that care.

Both political parties have put forth a bill to reform HMOs, but the special interests are now swarming over this Capitol to deny the right of the American people to get what they paid for when they paid their insurance premiums, the right to see the specialists they need, the right to know that they can go to the emergency room and not be turned away, the right that their doctor can send them somewhere and know that the patient that they send will get the care they deserve.

I will save the special interests some trouble coming to my office. The people of Bergen and Hudson Counties, New Jersey want HMO reform, and they will not let the special interests stop us from doing the right thing.

THE ERA OF BIG GOVERNMENT CONTINUES TO LIVE IN INFAMY

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

Mr. SOLOMON. Mr. Speaker, we seem to be living in a Humpty Dumpty world today. Humpty Dumpty says, "When I use a word, it means what I mean it to mean." I think that applies to the person who announced in his State of the Union address 2 years ago the era of big government is over.

I guess the question that all America would like to know is what the President meant when he said that. Does he mean that the government will not continue proposing huge programs to achieve social goals? Does he mean that government spending will decline or even the spending as a percentage of GDP will decline? Does he mean that the trend towards ever more control and micromanagement from Washington will end? Does he mean local

control will be given preference over Federal bureaucratic control from Washington?

The Humpty Dumpty truth is that the President's budget answers no, no, no, to all of these questions. Yes, Mr. Speaker, the era of big government continues to live in infamy.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 344 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 344

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport". The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 344 is a modified open rule providing for consideration of H.R. 2625, the Ronald Reagan National Airport bill.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and the ranking member of the Committee on Transportation and Infrastructure. The rule also provides a 2-hour overall limitation on the amendment process.

The rule also makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read.

The rule additionally authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and it allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

And, finally, the rule provides one motion to recommit.

Mr. Speaker, this rule strikes an appropriate balance between the majority's interest in moving its legislation through the House expeditiously and the minority's interest in being allowed to offer amendments to the bill. An overall time limitation in this case seemed to be a fair way for the Committee on Rules to address both sides' interest in the legislation.

Mr. Speaker, we are here today to honor Ronald Reagan through the passage of a bill to rename National Airport the Ronald Reagan National Airport. Why should we bestow this honor on President Ronald Reagan?

As far as I am concerned, Mr. Speaker, we cannot honor Ronald Reagan enough. His leadership brought prosperity and pride back to America and freedom to much of the rest of the world, and I will discuss that maybe perhaps a little bit later in the debate.

Mr. Speaker, in order to fully appreciate President Reagan's lasting impact and the rationale for naming the airport, let me remind Members of the world landscape when he took office back in 1980, and I was here then. In 1981, the Soviet Union was continuing a massive arms buildup and attempting to spread its hegemony into Afghanistan. They had invaded Afghanistan back in 1979. Eastern Europe suffered under the boot of totalitarian regimes, and the Berlin Wall scarred the face of Europe, enslaving millions and millions of people.

In America, we were experiencing something called "stagflation." I just wonder if many of my colleagues can remember back that far. That dreadful combination of unconscionable 13 percent inflation. Can we imagine what that did to senior citizens living on a fixed income? Thirteen percent annual inflation and interest rates of 22 percent, and 24 percent prime if one happened to be a small businessman like I was, borrowing money to keep our businesses going and paying 24 percent interest. That brought on a recession, my colleagues, that created massive unemployment in almost every industry in America. And that was back in 1980, before President Reagan took office.

In fact, our country's morale was so low that then President Carter even declared the American people to be in a state of malaise. Imagine that, we proud Americans being in a state of malaise. But President Reagan saw the moral and financial flaws inherent in that Soviet system that was enslaving half the world population. He had the courage to call communism by its rightful name, the Evil Empire, and insist on human rights and proper treatment of human beings, dissidents, behind the Iron Curtain.

And his peace through strength policies, Mr. Speaker, ultimately resulted in the collapse of the Soviet Union and freedom for the captured nations of Eastern Europe so that today, instead of deadly atheistic communism spreading its tentacles throughout this world, we now have democracy breaking out all over the world, and these people now have sovereign nations to live in and they enjoy the freedoms that we have enjoyed for so many years now.

Mr. Speaker, as a member of the Committee on Foreign Affairs all during President Reagan's two terms, it was a great honor for me to support President Reagan's foreign policies here in the House and on the floor of Congress. It makes me so proud to know that those policies for which President Reagan was berated at the time have led to an explosion of that freedom I just talked about of democracy and prosperity all around this globe and in this country of ours.

Domestically, President Reagan's economic policies not only pulled this country out of that stagflation I talked about, but they created economic benefits for everyone, for all of our citizens. Nineteen million new jobs were created. Incomes grew at all levels. New industries and technologies flourished and exploded. Exports exploded around this world.

In fact, a recent survey of leading American businessmen, and I hope Members will listen to this, a survey of leading American businessmen attributed today's strong economy precisely to the Reaganomics that was laid out during the 1980s right here on the floor of this Congress.

Mr. Speaker, Ronald Reagan's views and his ideas, once considered conservative, now occupy the center, the mainstream, of American politics, and it is represented here in this Congress in the House and Senate today. President Reagan's vision of a smaller government and individual responsibility are still embraced by the American people even more so today, and that is really what we Republicans are fighting for on the floor of this Congress every single day.

And, finally, Mr. Speaker, Ronald Reagan set a moral tone for this country that would always bring out the best in us as individual Americans and as a Nation as a whole. He would speak to the Nation plainly and convincingly about complicated subjects and he trusted in the judgment of the people, the American people. His words and his gestures were always genuine.

He had such respect for the office of Lincoln and Washington that he would never ever put personal gratification above the national interests of this country. Let me repeat that. He had such respect for the office of Lincoln and Washington that he would never, ever put personal gratification above the national interest of this great country of ours. Ronald Reagan would never have put himself in a situation which might tend to degrade either himself or the esteemed office of this Presidency. That is why he was such a great President.

Mr. Speaker, passage of this rule will bring us one step closer to voting on a bill to honor one of the greatest Americans that I have ever had the privilege of knowing and working with. I urge all of my colleagues to come over here and participate in this next 3 hours of debate to pay long-lasting tribute to this great American, Ronald Wilson Reagan.

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

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend and colleague, the gentleman from New York (Mr. SOLOMON), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I know and I realize that there may be a lot of people in this country who think Washington National Airport should be named after President Reagan, but I daresay very few of them live in the area.

For that reason, Mr. Speaker, I rise in opposition to this restrictive rule. Because in 1986 there was a bill in which the Federal Government ceded responsibility for managing this airport to the Metropolitan Washington Airport Authority. That bill was signed into law by none other than President Ronald Reagan. Because, Mr. Speaker, President Reagan was a big believer in giving local government more control and the Federal Government less control.

In fact, Mr. Speaker, President Reagan himself said, and I quote, this is a quote:

> In many respects the Federal Government is still operating on the outdated and, if I may say so, arrogant assumption that the States just can't manage their own affairs.

But this bill is a complete contradiction of the very philosophy of Ronald Reagan himself. This bill takes a local airport name and says the Federal Government has decided to change the name of this airport despite nearly unanimous local opposition. And I want to add also, Mr. Speaker, that this airport does have a name. It is Washington National Airport, named for our first President, George Washington, who lived just a stone's throw away from where the airport currently stands.

The Federal Government has already named the second largest building in Washington after Ronald Reagan, the Ronald Reagan Trade Center. And as far as I am concerned, they can name the largest building in the D.C. area after Ronald Reagan, the Pentagon. It does not have a name. Let us make it the Ronald Reagan Peace Clinic.

Mr. Speaker, President Reagan had a profound impact on our country. He was one of the greatest proponents of freedom worldwide. My opposition in renaming the airport has nothing to do with my respect for the former President but, rather, my belief that we should honor his ideas as well as his name.

Yesterday afternoon in the Committee on Rules we heard from local representatives, Democrats and Republicans alike. These are the people who speak for this area. These are the people who can speak for the people who live around the airport. Mr. Speaker, every one of them, every one of them asked that the airport not be renamed but remain Washington National Airport after our first President, George Washington.

□ 1045

But today it looks like my Republican colleagues are going to continue despite strong local opposition and despite the very principles Ronald Reagan himself stood for.

My dear friend, my colleague, the gentleman from New York (Mr. SOLOMON), said this bill will honor President Ronald Reagan. That is true. But, Mr. Speaker, this bill will dishonor President George Washington.

I urge my colleagues to oppose the rule. This imposes a 2-hour time cap on a partisan bill, which we have nothing but time around here, and it does not do anything to credit the memory of a great president, Ronald Reagan.

Mr. Speaker, may I inquire from my dear friend how many speakers he has remaining?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, we have a number of speakers; but, at the present time, none of them are on the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is a great puzzlement to me why the Committee on Rules chose to have, in a sense, an open rule on amendments and a closed rule on the time in which to consider the amendments and the votes thereon.

I indicated yesterday to the Committee on Rules that I did not expect more than three amendments to be offered but that we did expect to have some time for debate. I did not expect that we would be constrained given the very light schedule that there is today. But I did expect that we would have an opportunity to discuss at some length, not ad nauseam; and I did indicate that I had worked diligently to deflect a number of amendments that I thought would be dilatory and to reserve those amendments to only those that were necessary.

Unfortunately, we are operating under a very restrictive rule; and we will limit the number of amendments. But I hope that, within the time, we will also have adequate discussion of the issue at hand.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, I have great respect for him. I served on his committee as much as 20 years ago. He was a good Member in those days, and he is a good Member today. But I just have to take exception with him talking about a closed rule, a restrictive rule.

Mr. OBERSTAR. I did not say "closed." I said, "restrictive."

Mr. SOLOMON. No, my colleague said, "closed."

Mr. OBERSTAR. Closed as to time.

Mr. SOLOMON. But forget about that. The truth is the gentleman did say there were only a couple of amendments that might be offered. As a matter of fact, several of them were withdrawn I think by the gentleman from Virginia (Mr. MORAN) when he was upstairs. And in order to try to schedule the schedule for today, and we have another open rule coming up after this one, I felt that 2 hours was ample time.

The SPEAKER pro tempore (Mr. SUNUNU). The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota and ask if he would yield to me.

Mr. OBERSTAR. Mr. Speaker, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman knows that, under the Rules of the House, that if my colleague or his

counterpart, the other respected Member, the gentleman from Pennsylvania (Mr. SHUSTER) feel that additional time is needed, I am sure I would agree and I am sure he would agree that we might want to extend that time a little bit.

So we are not trying to cut anyone off at all. I want the gentleman to know that.

Mr. OBERSTAR. I greatly appreciate that. That is a very grand gesture, and I appreciate that very much.

I will return just briefly, if I have additional time, to summarize my concern about the bill at hand.

Of course, we will debate it on its merits later. But it is not appropriate for the Congress to intercede in a jurisdictional matter where we have given authority to a local airport entity with full power, full authority, over the Dulles and National airports to then take back some of that power and say we will arrogate onto ourselves the authority to name this airport, not only to name it but to take off a good name that it already has and to replace another name. That is my principal objection.

Never in the history of the Committee on Transportation and Infrastructure or its predecessor, named Public Works Committee, did we take a name of a building and replace it with another name.

Washington National already has a name. It is good enough for the country. It has been good enough since 1940. It ought to be good enough for the next 50 years or the next millennium.

We should not be in the business of renaming facilities. If this precedent is followed, then woe be to any other building that the Federal Government has funded or any other airport that has received Federal airport improvement funds anywhere in the Nation as this Congress is setting a precedent today that we can come in and take names off buildings and place other names on them. That is not appropriate.

If this building were rising fresh out of the ground, if there had not been a Washington National Airport, I would have no objection to naming it for whomever the Majority chose to name it. But I certainly object to taking the name Washington National off that airport and replacing it with another name.

Mr. MOAKLEY. Mr. Speaker, the gentleman from New York still does not have any speakers?

Mr. SOLOMON. I do. But I think you want to yield the time.

Mr. MOAKLEY. Why do you not give the gentleman from Ohio (Mr. TRAFICANT) the time then?

Mr. SOLOMON. I do not have as much time as he wants. So, I think he is a good Democrat on your side of the aisle. The gentleman from Massachusetts ought to yield him some time; and I will, too.

Mr. MOAKLEY. He only needs a couple minutes. Why not give him a couple minutes?

Mr. SOLOMON. I am friendly today. I am glad to yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT). He is one of the most respected Members on the gentleman's side of the aisle. I will always yield him 2 minutes.

Mr. TRAFICANT. Mr. Speaker, I rise to support the rule and support the bill. How much time do I have?

Mr. SOLOMON. I yield the gentleman 3 minutes.

Mr. MOAKLEY. Mr. Speaker, I wish the gentleman from New York would make up his mind.

Mr. TRAFICANT. Mr. Speaker, I question many of the economic policies, like many Democrats. And we can take a look at Ronald Reagan as any other president, and we can question many things. But I think we have to give the Gipper his due here today.

Ronald Reagan, probably more than any other single individual, was responsible for correctly identifying the Soviet Union as the big bad bear, for pressing communism around the world, and for challenging the people of the free world to really actually tear down the Berlin Wall. And, more than any other individual, Ronald Reagan is to be credited with the collapse of the Soviet Union, the demise almost of communism, and the dismantling of the Berlin Wall.

Now I do agree with the gentleman from Massachusetts (Mr. MOAKLEY), whether he was serious about it or not, and he is a great Member, that, honestly, we probably should name the Pentagon after this fearless leader. But the Republican party wants to honor their great president, and it is a lesson that maybe the Democrats should learn from it. I believe that I will support that because he was a great president, and I will vote for the rule, and I will vote for the bill.

But I want to say this to the Republican party. There are many Democrats that want the legacy of Robert Kennedy remembered with a significant naming in this District; and since RFK has become now a suburban stadium, there is no real present honoring that legacy.

Now the Union Station has a lot of private interests, but I believe we could look at that and talk to those interests, and I think we should look at some other buildings in this district. So I am not talking about any deal being made here. I support the naming of the National Airport, the local interests notwithstanding. This is a national airport.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I would just like to ask the gentleman if, during his years as chairman of the Public Buildings and Grounds Subcommittee, in his years as Ranking Minority Member on that subcommittee, if he presided over a bill naming in which we took the name off a building and put another name on? Did we ever rename a building?

Mr. TRAFICANT. Mr. Speaker, reclaiming my time, no, this was not in my jurisdiction. And when we look at J. Edgar Hoover, I think the Democrats should have taken some action when we were in charge.

So all I am going to say is I support this. I believe President Reagan did a great job in dismantling communism, and I will vote for the rule.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just like to say, speaking as a former John F. Kennedy Democrat, which I was and so was Ronald Reagan, we support what my colleague has just asked for; and we would like to help him with Robert F. Kennedy in the future.

Mr. TRAFICANT. We will be doing that. I thank the gentleman very much.

Mr. MOAKLEY. Mr. Speaker, I just had a thought. I was thinking maybe 10 or 15 years into the future, when there is a beautiful edifice in New York named after the gentleman from New York (Mr. SOLOMON), then maybe 20 years later than that someone says, take that name down and let us put up another name, what a terrible travesty that would be.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), Ranking Member of the Committee on Rules, for making the important points that need to be made so eloquently, as well as the Ranking Member of the Committee on Transportation and Infrastructure. (Mr. OBERSTAR.)

I want to say to the chairman of the Committee on Rules that my opposition to this bill in no way implies a lack of sympathy for the health condition of our former president. It is not a criticism of his policies. In fact, it is just the opposite. My opposition is completely consistent with his philosophy. Our hearts do go out to the Reagan family. We want a fitting memorial for President Reagan.

But I strongly oppose this bill. I bitterly oppose it because it is an arrogant abuse of power, and it stands in direct contradiction to everything that President Reagan stood for.

Arlington County, where the airport is located, is opposed to this. The City of Alexandria, which is directly contiguous to the airport, voted unanimously in opposition to this. The Greater Washington Board of Trade, which represents the business community in the

Washington Metropolitan Area, is opposed to this. It is going to cost them millions of dollars to change all their advertising material. Why can we not respect the wishes of local government and the small businesses in the area.

It needs to be emphasized that, in 1986, it was President Reagan who signed the legislation that turned over the authority of this airport to a regional authority that would then be responsible for making these decisions. Why should we not now defer to them? Why would we impose our will upon the very organization that President Reagan created?

It is wrong that we do this today. It is wrong to strip George Washington's name from our national airport.

Many of my colleagues may not be aware of the fact that Franklin Roosevelt, when this airport was commissioned, told the architects he wanted the main terminal to look like Mount Vernon. It was clear that this was to memorialize George Washington. His adopted son owned the land. There is no precedent for this, stripping a former president's name and imposing another president.

The only explanation can be a partisan political one. And this should not be partisan. In fact, in many ways it dishonors President Reagan's legacy to be subjecting he and his family to this kind of contentious debate, to be doing something that is so contrary to what he believed in. This should not be done.

And one of the people that has explained why it should not be done is the first Republican governor of Virginia, Governor Linwood Holton, who was the first chair of this airport authority. Governor Holton has written a letter. We have that letter. He urges us in the strongest terms, do not do this.

□ 1100

It is completely contrary to what President Reagan stood for.

We will have a number of amendments that will seek to make a bad bill a little bit more palatable. One would defer this renaming decision to the Washington Airport Authority. Another would say that until we have enough money to reimburse the businesses and the public bodies that are going to incur substantial expenses because of this, we should not do it.

President Reagan is being honored in appropriate ways. We have an $800 million Federal Trade Center. Outside of the Pentagon, this is the largest Federal building in the world. It is going to be named after President Reagan in just a few weeks. We are going to name the next *Nimitz* class aircraft carrier after President Reagan. We have got a courthouse in California named after President Reagan. There are going to be a lot of things named after President Reagan.

I am not sure that this idea that was in Time Magazine that we ought to carve his face in Mount Rushmore is not going to be an even more contentious issue, but there are sure going to be lots of opportunities to honor President Reagan, appropriate non-partisan opportunities. This is not an appropriate opportunity.

Mr. MOAKLEY. Mr. Speaker, I would ask the gentleman from New York (Mr. SOLOMON), are his speakers reassessing their position on this bill?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, one of the real pleasures of serving on the Committee on Rules is having the gentleman from Massachusetts (Mr. MOAKLEY) as my counterpart, as the ranking member, because the gentleman always makes my day, as Ronald Reagan used to say.

Mr. MOAKLEY. I hope they do not make it the same way they made Clint Eastwood's day.

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

Mr. Speaker, I am surprised at the opposition from my friend the gentleman from Massachusetts (Mr. MOAKLEY), because there was a speaker of this House named Thomas "Tip" O'Neill, and he was one of the most loved speakers we have ever had, even though he was tough and he once broke a gavel yelling at me from the Chair up there one day.

But let me just say that we have heard people say, well, you know, this goes against Reaganomics and all President Reagan wanted to do.

I was just going to ask the gentleman from Massachusetts (Mr. MOAKLEY), how did he and all of the other Members that have spoken here today vote when we wanted to reform welfare, return welfare back to the States and back to the counties, so that we could make able-bodied people work for their welfare checks? How did they vote when we changed the whole concept of doing away with categorical aid grants for education; in other words, where we were telling local school boards how to educate their children, we here in Washington? We changed all of that, converted it to block grants, gave it to the States, and mandated that 80 percent of those funds go right on to the local school districts. That is Reaganomics.

So when we talk about what we are doing here, I just have to question a little bit the complaint about Washington National Airport, because, as the gentleman knows, and I will read from this document, according to the National Park Service, in 1927 a joint airport committee voted to approve a site for a new municipal airport for the Nation's capital. It chose Gravely Point, a shallow water area on the west bank of the Potomac across from Hains Point, 4.5 miles south of Washington, D.C. This was designed to replace, listen to this, the Washington Hoover Airport, which was located over where the Pentagon is today.

At first the proposed airport was referred to as the Gravely Point Airport project. However, over time it came to be known as the National Airport. There does not seem to be any precise moment or action that can be cited for the name change. Nevertheless, the name National Airport was appearing on documents as early as 1938.

Then in 1940, when legislation was finally passed on this floor, they named it Washington National Airport, after the City of Washington, after the District of Columbia. So it is not that we are deleting one name and adding another.

As a matter of fact, I do not have any strong opposition to naming it the Ronald Reagan Washington National Airport. There may be an amendment on the floor here dealing with that. We will cross that bridge when we come to it.

Mr. Speaker, I just wanted to make clear that the gentleman ought to be singing the accolades of Ronald Wilson Reagan, the same way our good friend Tip O'Neill would if he were on this floor today.

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

Mr. Speaker, I appreciate the gentleman's explanation, but I do not know what he was explaining. All we are talking about here is naming an airport. I have the greatest respect for my colleague's greatest friends and idol, Ronald Reagan. I have great respect. The matter here is taking one President's name off a building and putting another President's on it. It is a bad precedent. Who knows where it is going to stop?

I would hate to think that the party in power is going to rename every Federal Building in honor of their heroes and take down the minority's names. It just does not make sense.

Ronald Reagan, in his own statements that I quoted, would be the last one in the world that would want to take someone else's name off a building and put his name on it. He would be the last one in the world that would want a congressional action to name a local airport, against the wishes, against the desires of the people who sit on the board. Nobody who represents that district was even asked. They read about it in the newspaper. This is no way to legislate.

Mr. Speaker, I urge Members to vote against the previous question. If the previous question is defeated, I will offer an amendment to the rule that will remove the 2-hour time limitation on the amendments and will also provide that the IRS reform bill be added to this bill.

Mr. Speaker, as you know, the measure passed the House last spring by an overwhelming vote of 426 to 4. What greater tribute could we pay to President Ronald Reagan than this IRS amendment?

The Senate has yet to consider this bill, but by adding the House-passed bill to the measure, we can give the Senate a much-needed push to take up the IRS reform.

Mr. Speaker, so I urge Members to vote no on the previous question so we can add the bipartisan IRS reform bill, H.R. 2625.

Mr. Speaker, I include the following for the RECORD.

PREVIOUS QUESTION FOR RULE ON H.R. 2625: RONALD REAGAN NATIONAL AIRPORT

Text: Strike all after the resolving clause and insert in lieu thereof the following:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2625) to redesignate Washington National airport as "Ronald Reagan Washington National Airport". The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the Committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. In the engrossment of H.R. 2625, the Clerk shall: (1) add the text of H.R. 2676, as passed by the House, as new matter at the end of H.R. 2625; (2) conform the title of H.R. 2625 to reflect the addition of the text of H.R. 2676 to the engrossment; (3) assign appropriate designations to provisions within the engrossment; and (4) conform provisions for short titles within the engrossment.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a role resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership *Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the title, or yield for the purpose of amendment."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a role does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I yield 2 minutes to my dear friend, the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I want to thank my friend, the gentleman from Massachusetts, for yielding me this time.

Mr. Speaker, I rise in support of this request that we reject the previous question so that we can have made in order H.R. 2676, the IRS Restructuring Act of 1997 and be able to bring that up and include it in this bill.

H.R. 2676 is a bill that is very important. It is one of the highest priorities, I think, of this Congress. I want to congratulate both the Democratic and Republican leadership in this body, because we made it a truly bipartisan bill.

The Speaker, the gentleman from Texas (Mr. ARCHER), the gentleman from Ohio (Mr. PORTMAN), the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Pennsylvania (Mr. COYNE), and others, worked together so that we in this House could pass by an overwhelming majority the IRS Restructuring Act of 1997.

It is important for us to act now. Tax season is coming up shortly. We need to act before April 15 so that the reforms can take effect immediately.

President Clinton has urged the Congress to act, and Secretary Rubin has worked with us on this important legislation. It provides for a reform in the administration of the IRS by creating an outside oversight board. It provides for taxpayer bill of rights and makes it easier for electronic filing. It simplifies the Congressional oversight function. In short, it will be the first major reform of the IRS in over a half a century.

Mr. Speaker, it is important that we act now. By defeating the previous question, we have a chance so that the other body can follow the lead of this body and act now on IRS reform.

Since the House passed this bill, we have continued to learn about abuses in the IRS. Charles Rossotti, the new Commissioner, has embarked on an ambitious plan to reorganize the IRS, but he needs the tools provided in this legislation in order to complete the job.

Mr. Speaker, I agree with the ranking member: Nothing could be more fitting than for Ronald Reagan to be associated with this historic legislation to reform the IRS. I urge my colleagues to reject the previous question so we can move this legislation forward and give the other body a chance to do what this body has done.

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

Mr. Speaker, I was surprised to hear my good friend the gentleman from Maryland (Mr. CARDIN) talk about breaking the rules of the House, because the gentleman is known as a person who obeys the rules of the House. As a matter of fact, he helps us keep the House in order quite often. But the gentleman knows that an amendment making in order an IRS debate is not in order, it is not germane, and cannot be added to it, regardless of whether you defeat the previous question or

not. We might as well add the Superfund to it, or we could add cloning. We could do a lot of things. But we have rules, and we have to obey them.

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

Mr. Speaker, we know it is also nongermane, but we know of the gentleman's love for Ronald Reagan. We felt, because of that, the gentleman would allow this amendment to be placed on this bill.

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

Mr. Speaker, as early as this morning, I spoke to Senator BILL ROTH from Delaware, who has the IRS bill in his committee. They are moving that bill and it is going to become law. We are going to make it a lot easier for the taxpayers of this Nation to obey the law when they are filing their income taxes.

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

Mr. Speaker, the gentleman could make it a lot easier by allowing an amendment on this bill.

Mr. Speaker, I think we have touched all the pertinent pieces, and I would hope that Members would vote no on the previous question so we can amend this bill to take away the 2-hour time limitation and also put the IRS language in here.

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

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

Mr. Speaker, as a former town mayor in New York, they are called supervisors, town supervisors, and county legislator and State legislator, I would be the last one to stand up here and try to take away home rule, to try to usurp the authority of local governments. But let me just lay the facts out here.

The Congressional Budget Office has stated, and it is in the report here, that the cost of complying with this particular mandate, the mandate of changing a name, is insignificant. The cost, therefore, would be negligible. There is no real cost. I, for one, would be glad to work with the Committee on Appropriations and reimburse anyone for any cost there might be.

Mr. Speaker, let me tell you why we are really here. I am also the chairman of the NATO observer group, and that is a group of parliamentarians here in the House and the Senate that are responsible for the expansion of NATO.

I was in various countries in central Asia, which is really a part of Europe, just recently. These are countries that have strange names like Uzbekistan, like Kazahkstan, like Turkmenistan, Azerbaijan, Georgia, and these people, who were enslaved for decades under this terrible philosophy called communism, all came to me as I was walking the streets in each one of these cities and each one of these new sovereign nations, and, even though they could speak little English at all, they all knew the words "Ronald Reagan," and they all gave a thumbs up to this great President, because after decades and decades and decades of suffering, they were now a free people, they were no longer a captive nation. They had their sovereignty, and now they have a chance to enjoy what we Americans have enjoyed for all these 200-plus years, the ability to live where we want to live, to work where we want to work, to worship in the church of our choice, these things we all take for granted.

The rest of the world knows the value of Ronald Reagan and why he was a great President. That is why we are attempting to just pay some lasting tribute to this great, great American.

Mr. Speaker, therefore, I would hope all Members would come over here and vote for the previous question, vote for the rule, and then come over here and vote for this bill. This President deserved it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. 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 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 189, not voting 14, as follows:

[Roll No. 3]

YEAS—227

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
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
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
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 (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
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)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
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
Etheridge
Farr
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
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
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek

Menendez	Rahall	Stabenow
Millender-McDonald	Rangel	Stark
Miller (CA)	Reyes	Stenholm
Minge	Rivers	Strickland
Mink	Rodriguez	Stupak
Moakley	Roemer	Tanner
Moran (VA)	Rothman	Tauscher
Murtha	Roybal-Allard	Taylor (MS)
Nadler	Rush	Thompson
Neal	Sabo	Thurman
Oberstar	Sánchez	Tierney
Obey	Sanders	Towns
Olver	Sandlin	Velázquez
Ortiz	Sawyer	Vento
Owens	Schumer	Visclosky
Pallone	Scott	Waters
Pascrell	Serrano	Watt (NC)
Pastor	Sherman	Waxman
Pelosi	Sisisky	Wexler
Peterson (MN)	Skaggs	Weygand
Pickett	Skelton	Wise
Pomeroy	Slaughter	Woolsey
Poshard	Smith, Adam	Wynn
Price (NC)	Snyder	Yates
	Spratt	

NOT VOTING—14

Becerra	Herger	Riggs
Eshoo	Luther	Schiff
Fattah	McCarthy (MO)	Stokes
Franks (NJ)	Mollohan	Torres
Gonzalez	Payne	

□ 1134

Mr. BONIOR, Mr. HEFNER, Ms. KILPATRICK and Ms. DEGETTE changed their vote from "yea" to "nay."

Mr. BILBRAY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 3, moving the previous question, I was unavoidably detained at Washington National Airport.

Had I been present, I would have voted Nay.

The SPEAKER pro tempore. (Mr. SUNUNU). Pursuant to House Resolution 344 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2625.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport," with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding. I rise in support of the redesignation of the Washington National Airport as the Ronald Reagan National Airport.

Mr. Chairman, I rise in support of H.R. 2625, the redesignation of the Washington National Airport as the "Ronald Reagan National Airport." I wish to thank our colleagues from Pennsylvania (Mr. SHUSTER) and from Georgia (Mr. BARR) for bringing this legislation to our attention.

President Reagan's dedication to a safe world, coupled with a strong and prosperous America, secured the status of our nation as an international leader, and led directly to the economic and political successes we have in recent years achieved. The roots of Communism's worldwide collapse can be found in the Reagan Administration's effective defense strategy, which has as its cornerstone the truism that negotiations can take place only from a position of strength.

It is appropriate that we honor former President Reagan in this manner because it was his Administration which transferred, in 1986, all Washington airports to a local authority. This ended 45 years of inefficient and expensive federal ownership, and opened the door for privatization. This, in turn, paved the way for much-needed airport modernization projects.

With Mr. Reagan's 87th birthday occurring on February 6, 1998, it is appropriate that we approve this legislation immediately, to make it a fitting tribute on a milestone occasion.

I ask that my colleagues join with me in supporting H.R. 2625 in an expeditious manner, as a fitting, appropriate tribute to one of the great Americans of all time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

H.R. 2625 was introduced by the gentleman from Georgia (Mr. BARR) last October 7. This bill would change the name of the Washington National Airport to the Ronald Reagan National Airport.

Ronald Reagan was born on February 6, 1911, and in 1980 was elected the 40th President of the United States. This legislation would honor President Reagan for his leadership to and for the citizens of the United States and all freedom-loving people throughout the world.

In particular, this bill is designed to honor the President for the following accomplishments during his administration:

President Reagan established fiscal policies that invigorated the American economy. As a result of his efforts, growth and investment increased while Federal spending, inflation, interest rates, tax rates and unemployment decreased.

When confronted by the former Soviet Union, President Reagan's policy of peace through strength restored national security, ensured peace and paved the way for the successful end of the Cold War.

President Reagan's leadership encouraged the rediscovery of the values upon which our forefathers founded this Nation. And in 1986, President Reagan persuaded Congress to end the inefficiency and expense of Federal ownership of National Airport and to transfer the operating control to an independent authority, paving the way for long overdue airport modernization projects, including construction of the new terminal.

Mr. Chairman, I urge support of this bill.

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

□ 1145

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

It is clear that the fix is in, the tablet has been handed down from atop Mount Gingrich. Republicans are determined to erect a political billboard at the entrance to the Nation's capital in honor of their hero Ronald Reagan.

I have no objection to naming something for Ronald Reagan. In fact, I supported the naming of the billion-dollar international trade center in downtown Washington in honor of Ronald Reagan, just a stone's throw from the White House. I sympathize with his family and the condition that he finds himself in with Alzheimer's. My dearest aunt suffered from and succumbed to Alzheimer's. I know the pain that they are experiencing. But that does not justify doing something we have never done in the history of the Committee on Transportation and Infrastructure or its predecessor, the Public Works Committee, and that is take a name off a building and put another name on.

If this structure had no name, there would be no objection on this side. But you are taking a good name, the good name of Washington National Airport, and taking that off and substituting for it another name. That is not right. You are going to leave the word "national" in. I correct myself. But the title itself is defaced. That is not right.

You are interfering, interceding in the affairs of the airport authority itself. That is not right. When Congress created the Metropolitan Washington Airport Authority in 1986, the law said this airport should be treated like any other airport in the country. The transfer law leased the airport to the MWAA for 50 years and gave it complete discretion and full power, those words in the lease, to run the airport. This takes away complete discretion and full power. It is wrong. It should not be done.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Just to make the record clear, I would like to point out to the body that in the last Congress, 63 Democrats sponsored legislation, H.R. 3247, to rename the Herbert Clark Hoover Department of Commerce building as the Ron Brown Commerce building and, indeed, my dear, dear friend from Minnesota as well as several of our other esteemed colleagues on our committee, on the Democratic side of the aisle, cosponsored that legislation. So it is a little mystifying to me to hear that this is something that has never been attempted before. Indeed the very Members who oppose this are Members who attempted to remove the name of President Hoover and replace it with the name of Mr. Brown.

Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania for his leadership on this issue. I rise in support of H.R. 2625 and urge my colleagues to support it as well.

Obviously, as the gentleman from Pennsylvania (Mr. SHUSTER) and others have mentioned, President Reagan was one of the most popular and most well-respected leaders this Nation has ever produced. As all of us know, he accomplished many great things during his Presidency.

Washington, D.C., is a city that symbolizes freedom and democracy for every American, for many people all over the world. Renaming the Washington National Airport as the Ronald Reagan National Airport is a fitting tribute to this great American, a man with a vision and a man who has done so much for this Nation and for the world.

In the 2 decades before President Reagan took office, Americans suffered oppressively increasing rates of taxation, inflation, unemployment and interest rates. It was Ronald Reagan who led this Nation out of its economic problems, reducing runaway inflation and interest rates to the lowest levels in many years and creating prosperity for millions of citizens across this country.

Mr. Chairman, President Reagan got this Nation back on track. His initiatives led to great improvements in all sectors of our economy, including the aviation industry. Air passenger traffic increased dramatically throughout the Reagan years, and airlines had some of their best years as well, both as a result of deregulation and the strong economy.

Finally, Mr. Speaker, this is a fitting tribute because flying, aviation, airports, flight in general in the final analysis are about freedom. They enable people to expand their horizons and accomplish things that otherwise would not have been possible. They give people the freedom and the ability to go places and do things that make all of our lives better.

In the same way Ronald Reagan's life, his philosophy, his beliefs, his actions, if they could be described in one word, that word would be freedom. He fought to protect and preserve freedom here at home and to expand freedom for people all over this world. In the great Battle Hymn of the Republic it says, in the beauty of the lilies Christ was born across the sea with a glory in his bosom that transfigures you and me. As he died to make men holy, let us live to make men free. Ronald Reagan did that. He lived for freedom. He did so much for so many, naming this airport after him is a small way to say thank you for all that he did.

I rise in support of H.R. 2625 and urge my colleagues to support it as well.

Obviously, as you and others have mentioned Mr. Chairman, President Reagan was one of the most popular and well respected leaders this Nation has ever seen.

As all of us know, he accomplished many great things during his presidency.

Washington, DC is a city that symbolizes freedom and democracy for every American and for many people all over the world.

Renaming the Washington National Airport as the Ronald Reagan National Airport is a fitting tribute to this great man—a man with vision and a man who has done so much for this Nation and for the world.

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It was Ronald Reagan who lead this Nation out of its economic problems; reducing runaway inflation and interest rates to the lowest levels in years and creating prosperity for many citizens across the Country.

Mr. Chairman, to be direct, President Reagan got this Nation back on track. His initiatives led to great improvements in all sectors of our economy, including the aviation industry.

Air passenger traffic increased dramatically throughout the Reagan years. And airlines had some of their best years as well. Both a result of deregulation and a strong economy.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding time to me. I wanted to be on record as saying that this makes no sense whatsoever. We have a President whose name of this city is very well known. It is well known that National Airport is the Washington National Airport, named after a President. There is no need to change it, spending the money to name it for another President. This is only done, only done for partisan reasons. We should have this as a bipartisan city, a bipartisan airport. Why is there a need for a change in the name? This is the wrong way to go. We should let it stay, by the way, bipartisan to object to this. Both Republicans and the Democrats on the National Airport said this is the wrong way to go. I will vote against this and urge my colleagues to vote against it.

Mr. Chairman, I rise in opposition to this well meaning, but ill-conceived legislation.

It is appropriate to honor past Presidents. And, we have done so with President Reagan.

We have named a federal courthouse in California after him—we have named the brand new building at the Federal Triangle in Washington, DC, after President Reagan—and, the newest aircraft carrier will be named the U.S.S. *Ronald Reagan*.

In addition, President Reagan has been honored in states and cities across America by hospitals, bridges, highways and other constructions that bear his name.

I would say to my friends on the other side of the aisle that this is a matter that should be left to local authorities.

Congress should not impose its will on the Airport Authority that manages National Airport.

Members from other states should not override the views of Congressman MORAN, in whose District the Airport is located, and Congresswoman NORTON, whose constituents are affected by this decision.

We either support the right of state and local governments or we don't.

And, while there is some debate over whether the Airport was named after our first President, George Washington, it would seem important to maintain that name because of its historical value.

I am aware also that a change in the name of the Airport will have an adverse economic impact on many merchants who will suffer great losses as a result.

It is for these reasons that I urge my colleagues to do the responsible thing on this Bill—vote for order, history and fairness and against chaos, confusion and disarray—vote against this Bill.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

I would like to set the facts of the record straight. If indeed this bill has been made partisan, it is only because our friends on the other side choose to make a naming bill partisan.

Let me share with the body the facts in the previous Congresses. In the 100th Congress, two-thirds of the naming bills were named by Democrats, and we Republicans supported it. In the 101st Congress, two-thirds of the naming bills were for Democrats, and we Republicans supported it. In the 102d Congress, 60 percent of the naming bills were for Democrats, and we Republicans supported it. In the 103d Congress, 66 were named for Democrats, and we Republicans supported it. And in the 104th Congress, a Congress controlled by Republicans, two-thirds of the naming bills were for Democrats, and we Republicans supported it. And in the 105th Congress, thus far, two-thirds, again, the 105th Congress, a Republican-controlled Congress, two-thirds of the naming bills were for Democrats. We Republicans supported it. And indeed, when Supreme Court Justice Thurgood Marshall died, we cooperated in a naming in his honor in 2

days. He was not even buried when we acted promptly to cooperate on a bipartisan basis.

So indeed if there is partisanship here, the record of the past several Congresses shows that in naming bills, we Republicans have cooperated. And if there is partisanship, it is because our friends on the other side choose to make it so.

Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I would like to thank the chairman of the committee for his stewardship and leadership on moving this piece of legislation through the committee so that it comes before this great body today to vote on.

Mr. Chairman, it is somewhat disappointing that constantly there are those who find partisanship and rail against something on partisan reasons when in fact those things have nothing to do with partisanship. This is one of those bills. This bill is simply one of a number of efforts that Congress undertakes on a bipartisan basis year in and year out, as the chairman just indicated, to recognize great Americans for their role in shaping American history by naming public buildings and public facilities, and National Airport is a public national facility, after those great Americans.

When we vote in the Congress, year after year to name Federal facilities and Federal buildings after Democrats, Republicans and Independents and those not affiliated necessarily with any political party, we do so because the people of this country want their heritage to be remembered and monumentalized on our public buildings. When we in the Congress have voted in the past to name a particular Federal facility or building after a particular person, I doubt that any of us vote in favor of those votes, for those votes because we agree with every single policy or every single pronouncement that those individuals have made during the course of their public career. They are recognized through legislation such as this, not for any one particular vote, not because every one of us agrees with everything that they did, but because they have contributed in some form or fashion in a significant way to the overall history and running of this great Nation.

I do not think that there are anybody but the most extreme partisans who could with a straight face fail to put Ronald Reagan in that category. I think it is entirely appropriate and clearly within the purview of this United States Congress to name a Federal facility which we, the people of this country, not of any particular State, own and have a stewardship relationship in running that facility.

It is not that there is anything sacrosanct about any name. The name of National Airport in Washington has been changed in the past. Other Federal facilities have had their name changed as new people, new American heroes have come on the scene and for which the order of the day is to recognize them.

I think it is entirely appropriate that we in this Nation's capital, we the Representatives of the people of this country today seek to honor on the eve of his birthday one of the great Presidents of this country's history. I would urge all of my colleagues to put aside any sort of partisanship that they may feel. We are not asking them today to vote for this resolution, for this piece of legislation because they agree with everything that President Reagan did, although I do think he was a great President. There are others who may not place him in that high category, but I do not think that that means that they have the right to simply vote against it because they may disagree with something that he said or did. The same as we on this side did not vote against naming Federal facilities after persons on the other side of the aisle simply because we may have disagreed with something that they said or did.

The history, the legacy, of Ronald Reagan will far outlive our great leader. It is a legacy that future generations can know and enjoy and bear the fruits of because of the work that he did in ending the Cold War, in bringing pride back to these United States of America.

I think that all of us also feel a sense of pride as this name change goes forward and our national airport, which, again, I would like to stress, Mr. Chairman, is owned by the people of this country, it is not a State facility, it is run, leased to a local facility. That is something that Ronald Reagan believed in, but naming this national airport after Ronald Reagan does not take away from the ability of that airport authority to run the airport as it was intended to do.

Those that make that claim are simply making a specious claim in order to disguise the fact that they just do not want to name an airport after Ronald Reagan. If there are some folks that believe that in their heart, and their constituents want them to do that, that is one thing, but to come up with arguments that this airport is not a Federal facility, that the Federal Government through congressional mandate does not have every single right to name this airport, as we the people, through our representatives feel free and feel fit to do, is inappropriate.

I would prefer to see the debate stay exactly where it ought to be, and that is a legitimate exercise of limited congressional authority to name Federal facilities owned by the Federal Government on behalf of the people of this country, this entire country, not any particular State or region, on behalf of and in recognition of great national leaders, of which Ronald Reagan clearly is.

This legislation has the very clear support of his family, as he enters his twilight years. We know he is very ill, and I think there would be no more fitting tribute than to pass this legislation today and rename National Airport after Ronald Reagan.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, first of all, as a member of the Subcommittee on Aviation, let me say that it is inappropriate that we reported this bill out without a hearing or a markup in subcommittee. This is an important decision we are making today, and I urge my colleagues to consider all of the information. Naming National Airport after President Ronald Reagan is unnecessary government intervention and duplication, and, in addition, he is not known for being a champion of aviation policy. Quite the contrary, his aviation policies were often divisive and controversial. Although we differ on political views, I do respect him as the President.

First of all, as a member of the aviation subcommittee, let me say that it is inappropriate that we reported this bill without hearings or a markup in subcommittee. This is a very important decision we are making today, and I urge my colleagues to consider all the information.

I hate to be put in the position like this, when we are pressured to vote on an important issue that will be costly, involves wrongful government intervention into local business, and renames a public facility—something we have never done before, when President Reagan is ill. This is not the time or place for this discussion.

I will not enter into a partisan debate on this issue. I think the simple facts speak for themselves. We have already honored President Reagan for his achievements. Many credit him for bringing an end to the Cold War, and I think it is fitting that there is an Aircraft Carrier to be named in his honor, as America's defense buildup helped bring an end to the Cold War.

Additionally, we have honored him again by naming the largest Federal building outside of the Pentagon after President Reagan. This building which completes the Federal Triangle project is just a few blocks from the White House, and in plain view to the millions of tourists that come to Washington every year.

And in President Reagan's home state of California, a Federal courthouse bears his name. This is an addition to countless other roads, bridges, and buildings that have been named after him across the country. Naming National Airport after President Reagan is unnecessary government intervention and duplication. And additionally he is not known for being a champion of aviation policy. Quite the contrary, his aviation policies were often divisive and controversial.

Although we differ in political views, I do respect him as a President; however, I truly feel

he has been honored, and in many ways unlike any other President, in terms of the number of honors to him in the short period of time since he has left office.

Let us stop the politics and move on to real business. I urge my colleagues to vote "no" on this bill.

The CHAIRMAN. The gentleman from Illinois (Mr. LAHOOD), now controlling the time of the gentleman from Pennsylvania (Mr. SHUSTER), has 17 minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 27 minutes remaining.

□ 1200

Mr. LAHOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, as a cosponsor of this bill, I rise today in strong support of this measure to honor President Ronald Reagan with this designation.

Much has been said about the redesignation of the airport which received the title Washington National, contrary to the insistence of the other side of the aisle, not directly because of George Washington's legacy but because of the name of our Nation's capital. We have always acted in a bipartisan manner on such bills, until now, when the Democrats, not the Republicans, have decided to be partisan on this matter.

I would like to address the importance of the Reagan years. I hope that all of us will remember the anxiety of the Cold War and pay homage to the man who put our fears to rest. Please support this bill.

President Reagan once stated that through his policies he hoped to "foster the infrastructure of democracy". We foster and measure our Presidents by the fruition of their promises; and by that high standard, President Reagan has been proven a champion of foreign policy. He deserves this designation and he deserves our utmost respect.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, several things need to be clarified. This airport clearly was named in honor of George Washington, and anyone suggesting that it is only referring to Washington, D.C., should ask themselves who they think Washington, D.C. was named after; Bugs Bunny?

It is obvious that George Washington is honored here. In fact, the land was owned by George Washington's adopted son.

There is a lot of history. We are going to share that with Members. The main thing we need to emphasize here is this is directly contrary to Ronald Reagan's legacy. Ronald Reagan signed the legislation giving local control. Respect that local control.

Mr. LAHOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I thank the gentleman for yielding me this time.

I am proud to be here to talk in favor of naming Washington National Airport after Ronald Reagan. He was my President. I knew him, I admired him, I loved him. I worked with him as state party chairman in the State of Washington for all of those first years during the Reagan administration, the 8 years.

And I remember my fondest memory of Ronald Reagan was when he came to Seattle in 1989, after he had left the Presidency and his Vice President, George Bush, had become President and he did a little meeting with some of the folks that cared a lot about Ronald Reagan. There were people who had been with him over the years from when he was first a movie actor, from when he ran for governor of California, from when he ran for the Presidency in 1976 and then again in 1980. And it was my joy that day to introduce him and to have the opportunity to thank Ronald Reagan for everything that he did for us.

It was the last time I talked to him in private, but that was such an overwhelming sense of support in that room, all the personal connections in that room and the opportunity to say thank you, Mr. President, for getting rid of the potential threat from the Soviet Union, for standing strong for our Nation, for its principles, for everything that we believe in, and for leaving a legacy of decency in the White House, for setting us up to be able to compliment him now years later after he was the President.

I think this is the proper, the fair, the appropriate thing to do. And, Mr. Chairman, in my household, I have a son named Reagan. He was 9 years old when the Reagan he was named after became President. So, indeed, he waited a long time to be named after a President, but I think compared to the naming of a son, an airport is very small indeed.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

History judges Presidents over time. People love Presidents in real time, and millions clearly love Ronald Reagan today. Monuments spring up all over America. They always spring from the ground up. That way we assure consensus and comity and dignity surrounding the process.

There is a pragmatic reason for this, as well and that is because we seek to honor the person, not to have a quarrel among ourselves. If we do, we overwhelm the honor with contention and embarrass the person and the family. That is why naming bills in this House are always done by consensus, first within State delegations and then always on a bipartisan basis.

H.R. 2625 breaks the time honored tradition of the House in moving forward a bill that does not have the necessary consensus.

The other value, besides consensus, that has always been honored in naming bills is local control. This is the second time that local control has been violated in the name of President Reagan. The first time was the Ronald Reagan Building located in my district. It was my project. I worked harder on it than any other Member. I was not consulted on the name. Out of respect for President Reagan, I did not raise an objection.

Now, we have the second instance of no respect, this time for the entire region. D.C. is one of three jurisdictions on the regional authority. So is the Federal Government on the regional authority. Congress has been glad to have the authority pay for the magnificent new terminal. Congress is glad, however, as well, to intervene at every whim.

There have been two Supreme Court lawsuits. Both of them Congress lost when Congress wanted to intervene whenever it wanted to do something. The lease says full power and dominion and complete discretion go to the regional authority.

What we are doing now is going to get us another lawsuit. President Reagan deserves much better than that.

There have been a number of great Presidents. History may one day say that Ronald Reagan is one of them, but only one President's name belongs on the airport that is the gateway to the Nation's capital. That is the President whom Congress named the capital itself for.

There is no partisanship, no division of the House surrounding George Washington's name. We would not remove his name from this city. I ask this House please do not remove George Washington's name from our airport.

Mr. LAHOOD. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the Chair the time remaining on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 23½ minutes remaining, and the gentleman from Illinois (Mr. LAHOOD) has 14 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, this is a most extraordinary event. We are, without any hearings whatsoever, naming an airport after a President in opposition to the wishes of the people in the area.

The most remarkable thing is that we are taking an airport named after

the first President of the United States, one of the greatest of Americans living and dead in the entire history of the country, but who is apparently not appreciated sufficiently to allow that airport to be named after him.

As a young boy I knew the man who built that airport. He was a Virginian, a student of history, and he was a man who was determined that he would name that airport after one of the greatest Americans of our history, Clinton M. Hester. Franklin Delano Roosevelt, when he made the inaugural speech with regard to that particular airport's dedication, mentioned President Washington not once but twice. Washington lived just down the road and owned lands around that airport.

The extraordinary thing about the whole business is, however, that we are naming an airport which was given by the Federal Government on a long-term lease to an authority. We literally have no ability and no authority and no control over that land, because it was planned when we gave that land to the authority that they would have entire control over the function and operation of that airport in all its particulars.

We are removing the name of our greatest President from that airport. We are adding another President. I think it is fine that we should honor President Reagan. He is and was a great man. But I do not believe that this is a suitable honor for him. It raises a controversy which, very frankly, besmirches his name, which stands in the way of carrying out the intention of the original creators of that airport, and which leaves us in a situation where we are doing something that we really do not have the authority to do.

If something needs to be named after President Reagan, let us search for it and let us come about it in a bipartisan way. The Democrats stand ready to assist in that kind of undertaking.

Mr. LAHOOD. Mr. Chairman, I yield myself such time as I may consume to address the issue of whether, in fact, the airport is named after George Washington.

The current official name of the airport is Washington National Airport, not George Washington National Airport. The Washington is in the name to indicate the market in the airport service. The name in the bill, Ronald Reagan National Airport, is consistent with the approach taken by other airports named after Presidents.

For example, there is the John F. Kennedy, JFK, International Airport in New York. I wonder what the public outcry was when that airport was renamed. It would be interesting to check that.

Also, there is the George Bush Intercontinental Airport in Houston. Nobody thinks that name change slighted Sam Houston. I wonder what the public outcry was when that airport was renamed.

Concerns that the name chosen for this airport would somehow denigrate the memory of George Washington are, quite frankly, without foundation. The term "Washington" was included in the 1940 name of the airport to indicate the market the airport served; that is, Washington, D.C. The term "Washington" included in the name of the other two local airports was not to honor the man but to indicate the market.

For example, Public Law 98-510 in 1984 named Dulles International Airport the Washington Dulles International Airport. I do not believe there was a big outcry when that airport was named, but it would be interesting to check the record. The purpose of this renaming was not to minimize the contribution of John Foster Dulles but to indicate to passengers that Dulles serves the Washington market.

And I know it is going to be hard to refute this, because I am sure my colleague does not have the evidence to go back and look at the record to see what kind of public outcry there was, but in any event the gentleman may use his time when I am finished.

Similarly Baltimore Washington International Airport, BWI, was given that name not to honor Lord Baltimore and George Washington but, rather, to indicate to passengers that that airport served both Baltimore and Washington, D.C.

The Reagan International Airport, with its close proximity to Washington, D.C., is now so closely associated with the Nation's capital that there is no real need to continue to include "Washington" in the title.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Would the gentleman from Illinois, with his very carefully researched and closely reasoned presentation acknowledge that the namings that he cited of airports, or renamings, were not done by the United States Congress except for Dulles?

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Illinois.

Mr. LAHOOD. Dulles was.

Mr. OBERSTAR. They were not done by the United States Congress.

Mr. LAHOOD. Dulles was.

Mr. OBERSTAR. I made that exception. But the others were not done by the United States Congress.

The gentleman from Illinois would embrace, then, given this scenario he just presented, would embrace an act of Congress to rename O'Hare Airport? Would the gentleman embrace that idea?

Mr. LAHOOD. If we could name it after Mayor Daley or Governor Thompson or somebody like that, I certainly think the people of Illinois would——

Mr. OBERSTAR. Would the gentleman be happy to have the U.S. Congress do that?

Mr. LAHOOD. It is not a Federal facility.

□ 1215

Mr. OBERSTAR. That is the distinction. My colleague draws false distinctions when talking about naming an airport in Houston for former President Bush. That was done by local authority. That is the whole point. We gave authority to the Metropolitan Washington Airport Authority full power over the airport. We should not take over their authority and rename an airport.

Our Chairman referenced the legislation to name the Commerce Department building. Former Secretary of Commerce Ron Brown died in a tragedy in Bosnia in early April, 1996. Our colleague, the gentleman from Mississippi (Mr. THOMPSON), introduced on April 15 a bill to name the Commerce Department for Ron Brown. My name was listed as a cosponsor.

Later, I asked our staff to review this issue before it should come up in our committee. We found that the Commerce Department already had a name. I was not aware of it. I did not know that it was named for former President Herbert Hoover.

I ruled against bringing up that bill, against moving that bill in our committee. Instead, our colleague, the gentleman from New York (Mr. RANGEL), introduced on May 30, 1996, a bill to name a courthouse in New York for Ron Brown, which I felt was more appropriate. I did not want to initiate a procedure in our committee where we would rename a building. That is what this issue is all about, about renaming.

And the matter of Dulles renaming was done before we transferred authority to the Metropolitan Washington Airport Authority. It was still fully within the power of the Congress to rename that airport, which was done in order to avoid confusion of names for airports. And I do not need to go into it any further, but that was done before we created the Metropolitan Washington Airport Authority. So, again, it was not a matter of intrusion into local affairs.

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

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Today, Mr. Chairman, we are seeing a little bitterness from people who should not be bitter, we are seeing partisanship and pettiness from people who should not exhibit partisanship and pettiness, and we certainly are seeing a lot of silliness and gamesmanship

when people say that we are changing this name of the airport from George Washington.

I go to the National Airport every single week twice. I have never see any bust or any reference whatsoever to the great George Washington. Let us get away from that silliness. The real matter is partisan politics.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I will be glad to yield on the gentleman's time.

We can talk about the Reagan record, reducing inflation. We can talk about unemployment going down, the creation of 18 million new jobs, economic turnaround, interest rates falling, the demise of the Soviet Union, the rise of the American military and international prestige.

We can talk about the Reagan spending programs, the fact that seven out of eight of his budgets that he submitted to the Democratic-controlled Congress were actually increased, that if we had kept as a Congress with the Reagan budgets, he would have left office with over $100 billion in surplus. Now, we can talk about his strong economic legacy.

But I want to speak to you, Mr. Chairman, about Reagan the man. I am a baby-boomer. I was raised during the Watergate era and then Gerald Ford and Jimmy Carter and the Iran hostage situation. And do you know what? Speaking as a young American, we did not have that much to look up to, particularly out of Washington.

But when Ronald Reagan came to the scene, I can tell my colleagues that, as a youngster, younger than I am now, in my late 20s, we had somebody to look up to.

My wife said, "Isn't he wonderful? He is like a king, somebody you can really respect and follow." Then I said to her one day, I said, "Libby, you know what, you like Ronald Reagan" she kept on going on and on and on, "You like Ronald Reagan better than you like me." And she said, "Yes. But I like you better than I like George Bush." So I had to take it any way I could get it.

The man, as president, brought dignity, honor, respect and optimism to the White House and to the streets of America. He wrote my wife's grandfather, Basil Morris, while in his 80s, a birthday letter. And Mr. Morris wrote him back and said, "You have restored the prestige of what it means to be the president of the United States." And I think that those words, coming from an octogenarian, means so much and speaks so loudly.

I will close with this line. There were a lot of difficulties. Was Reagan the perfect president? No, he was not the perfect president. Is Bill Clinton? No. Was George Bush? No. Jimmy Carter? No. Was George Washington? No. I do not know that we will ever have the perfect president. But one thing that Ronald Reagan taught us is that we can all be optimistic and look forward without fear of tomorrow because, and I quote, "After all, we are Americans."

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Chairman, I would just like to remind my friend, the gentleman from Georgia (Mr. KINGSTON), that he is kind of rewriting history here.

All the years Ronald Reagan was here, he sent a budget up, he never offered but two of those budgets. He never offered them for a vote. And one of them got one vote, and one of them got, I believe, 37 votes. So he did not produce a balanced budget, and we ran up $3 trillion of new debt. To me, the gentleman is rewriting history.

Those of us that served on the Defense Subcommittee had a little bit to do with the Cold War coming to an end and building up the Armed Forces in this country. So the gentleman should not rewrite history on the floor during this debate.

Mr. OBERSTAR. Mr. Chairman, what is the time split remaining?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 17½ minutes remaining, and the gentleman from Pennsylvania (Mr. SHUSTER) has 8 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, the first thing that needs to be made clear is that, just as Washington, D.C., is named after George Washington, Washington National Airport is named after George Washington.

I know that Ronald Reagan would not want us doing this. He would know that the main terminal at Washington National Airport is designed after Mount Vernon. He would know that. He would know that Washington National Airport is located on the very land that George Washington's adopted son owned. He would know the history behind this.

He would also know that it is unprecedented to rename a facility in a district of a Member that opposes it. He would know why that Member opposes it. Because he would respect the fact that the County of Arlington, the City of Alexandria both have informed the Congress that they are opposed to it. He would respect the fact that the Washington business community has written to us their opposition to doing this. He would know that the local community does not want this name change because it respects George Washington. And our community, the community I represent, does not want to dishonor Ronald Reagan by doing this, and it certainly does not want to dishonor George Washington.

We know there are better ways, more appropriate ways, to honor Ronald Reagan. This is not an appropriate way to do it. There are many other ways.

But the irony of this, that it was Ronald Reagan that signed the very legislation in 1986 to seed over local control, is completely consistent with his philosophy of devolving power to local and State governments.

Ronald Reagan signed that legislation. That legislation epitomizes what he was all about. And what an irony, what a dishonor to then turn around and act so contrary to that legislation.

He would also recognize that the first Republican State-wide official in the Commonwealth of Virginia has written this body stating his opposition to this legislation. Governor Linwood Holton, who certainly respects Ronald Reagan but fully understands why this should not be done and not just for the financial cost. He understands the history of Virginia. He understands the background of Washington National Airport and of the local control. He understands what Ronald Reagan stood for.

I wish more Members of this body did understand that and respected it. Let us find a way to honor Ronald Reagan's memory that is consistent with Ronald Reagan's philosophy, that is consistent with the legislation establishing Washington National Airport, and is certainly consistent with the history behind its name.

Washington National Airport is a facility we can all be proud of. We will not be as proud of a facility that is renamed after another president against the wishes of the local community. It should not be done. It is an arrogant abuse of power.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the ranking Member.

Well, Mr. Chairman, there they go again. The Majority is again sacrificing commonly accepted rules, practices, traditions, and even their own sacred mantras to meet their own partisan needs of the moment.

The self-proclaimed party of family values now seeks to strip the name of America's founding father, George Washington, from the airport that serves the capital city, also named in his honor. The Congressional Majority that only 3 years ago legislated a prohibition on unfunded mandates now blindly ignores the unfunded costs imposed on the Metropolitan Washington Airport's Authority and other local jurisdictions.

The Majority that purports to favor low local control and coined the word "devolution" now dismisses any notion of local control. They disregard the opinions and wishes of our colleagues who represent the airport, as well as the local airport authority, which itself was created by legislation that Mr. Reagan signed.

The mantra of a smaller, less intrusive government is conveniently forgotten again as the heavy arm of Congress reaches out to impose its big government will by edict. Forgotten too are the accepted practices of not renaming structures, of seeking bipartisan support for naming efforts and of not naming structures of people who are still living. It is all another case of "Do as I say, not as I do," Mr. Chairman. The rules do not suit the Majority, so the Majority is changing the rules.

Yes, I believe that we should have a suitable memorial to Mr. Reagan. We have it in the $800 million Ronald Reagan Building in the International Trade Center. We have it in the future $4.5 billion U.S.S. Ronald Reagan aircraft carrier, the Ronald Reagan Courthouse in Santa Ana, California, the Ronald Reagan Presidential Library, and a dozen other sites throughout the Nation.

We in California remember Governor Reagan's famous phrase, "If you've seen one redwood tree, you've seen them all." I say, in paraphrase, "If you've seen one Ronald Reagan memorial, you've seen them all."

We should not cut the redwoods. We should not cut Washington out of Washington National Airport. I will follow our accepted procedures, honor America's founding father, President George Washington, vote to keep his name on Washington National Airport.

Mr. SHUSTER. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) has 8 minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 12½ minutes remaining.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I thank the Chairman.

I had the privilege of working for Ronald Reagan in the last 2 years of his administration, first at the Justice Department and then in the White House as a special assistant to the President. Ronald Reagan is, in my estimation, the greatest president in our times. He came in fighting big government. In fact, he noticed that the government in Washington had the notion that, if it moves, tax it. If it keeps moving, regulate it. If it stops moving, subsidize it.

But things would be quite different under Ronald Reagan. His administration was an administration of ideas and one idea in particular, that freedom should be the watchword of our policies at home and abroad. He believed that the explosive growth of government in the 20th century was depriving Americans of the freedom to keep more of their hard-earned money and to make decisions for them and their family, and he believed that abroad the rise of communism was the biggest threat to freedom that we have seen in the history of the world.

He set about correcting both of those problems. He reined in big government in Washington; and he marshalled the coalition that had won the Second World War to win the Cold War and defeat communism in our lifetime, something that people did not believe could be done when he came to Washington in 1980; and we were all celebrating at the end of that decade after his presidency brought about the collapse of the Berlin Wall and the resurrection of freedom throughout eastern Europe and the former Soviet Union.

□ 1230

Well, today we see a world that is free of communism, but we still have the vestiges of big government in Washington. Many of us would like to see this airport named after Ronald Reagan so that those passengers traveling to our Nation's capital would be reminded of his call to freedom at home and abroad, and that that reminder would greet us every time we entered into this city.

I support the chairman's resolution. I think it is the best thing we can do to remind America that Ronald Reagan stood for freedom, that freedom is a battle we must always engage to preserve, and that we will not let that flame die here in Washington after his departure.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been referenced by several Members on the other side that opposition on our side is partisan-based, partisan-motivated, we are upset because this airport is to be named for Ronald Reagan.

It is not the Democrats who initiated the partisanship. In the "This Week" show on ABC television, conservative columnist and commentator George Will was the one who said if the renaming proposal is adopted, Washington passengers "would fly out of two airports; one named for John Foster Dulles and the other after Ronald Reagan, and that is an ideologically perfect choice."

On the same program, his fellow conservative, Bill Kristol, remarked that naming the airport after Ronald Reagan is "especially worth it, because it will so annoy people like George Stephanopoulos."

Those are partisan remarks. We did not initiate them. Opposition on our side is not to naming something for Ronald Reagan, but it is to taking a name off an already-named structure and renaming it.

As I said earlier, my good friend from Pennsylvania (Mr. SHUSTER) was out of the room, I vigorously directed our staff not to ask for movement on the Ron Brown Commerce Department naming when I learned that the building had already been named for Herbert Hoover. I did not know that at the time my name was added to the bill that was introduced in rush after Ronald Brown's death, and instead we sought another building to be named for Ron Brown. The chairman very graciously and with great skill moved that legislation through our committee and through the House, and we greatly appreciate that. But I want to emphasize, once we learned that the Commerce Department building had a name, said we should not be in the business of renaming. That applies today to this bill, and to this airport.

Mr. Chairman, again, no other airport in the country would we dare to name or rename since other airports are already under the authority of local governments.

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

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, in 1978 or 1979, I was driving home late one evening from a course I was teaching, and I listened to the President of the United States talk about America in malaise. The Nation was baffled with stagflation. It seemed as though the Soviet empire was a threat to every corner of the world. It seemed as though we were not able to cope, not only with our own domestic problems, but with the world situation. It seemed, in fact, that maybe we were destined to be a Nation in despair.

Then, all of a sudden, we saw a new shining voice of optimism emerge on the American scene, a person who had so much confidence, so much hope for this country, so much appreciation for the quality of the American people and so much dedication to the fundamental principles of personal freedom and responsibility, that he reached out and he lifted us up. That person was Ronald Reagan.

I must say that during the 1970s, I even thought maybe I would move to another country just to find more freedom, and when Ronald Reagan came on the scene, I drew hope, I drew from him encouragement.

I dared again to believe in America and the greatness of this great land, and when he came to Washington, D.C., as the President of this land, he stood and delivered. In the first 2 years he whipped inflation, a problem of economics that had baffled seven Presidents before him. He got this Nation on a new standing of prosperity and growth, price stability, that in fact it stands unto this day, and he broke down the Soviet empire and tore down that wall.

He has been and he is today a shining example of goodness, a reflection of the

fundamental goodness of the American people. We want to honor that. We want to appreciate that. We think it is little enough to ask.

It is a confusing thing in Washington, D.C. The question is, is something that is named after George Washington the President or Washington the city, but not so confusing. We talk about the George Washington monument. We talk about the George Washington Parkway. We make the distinction. Washington National was not understood to be George Washington National, it was Washington National after the city.

I get on a plane at what is today Washington National and I drive to Dallas, and on my way home I drive on the LBJ Freeway. Now, I could probably take some umbrage at that, but to many people in America, LBJ was a great President; not to me, but they have the right to honor a man who served as President of this great land. I go to Fort Worth and I drive on the Jim Wright Freeway. Again, they have the right to honor him. It would seem to me the fundamental standards of decency and respect should accommodate that we have a right to honor Ronald Reagan.

I will tell you, Mr. Chairman, I travel a lot in this country. I have to tell you, I do not believe that you can find in America today a more loved American than Ronald Reagan. I want to honor Ronald Reagan for the example of goodness, faith, confidence in this Nation, appreciation for and confidence of this Nation's people that he has always been. I want to get on an airplane at Ronald Reagan Airport. I want to be reminded of his greatness, and by so being reminded of the greatness of these people of this great land.

And when I get off the airplane on the other end, having had the 3 hours to reminisce in my mind about the greatness of Ronald Reagan, I will be content to drive home on LBJ Freeway, with an understanding that we are able to get beyond politics, we are able to be decent and respectful, and we are willing to accept that everybody in America has a right, I believe a duty, certainly should have the opportunity, with honor, dignity and respect, to honor those people we believe to have been great people that served this Nation well.

Mr. Chairman, I would encourage everybody, show that standard of decency, respect, appreciation and good sportsmanship, and vote yes on this measure.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, speaker after speaker on the other side has come to the floor and said this airport was not named after George Washington. Goodness gracious me, that is splitting hairs with the finest theological, philosophical razor that you can find.

For whom is the City of Washington named? Joe Washington, who played football for the Washington Redskins? Or for Harold Washington, the former mayor of Chicago?

It was named the City of Washington, was named for our first President. When the name "Washington" was added to this airport, it was obviously done with the name of our great first President, Father of the Country in mind. Good heavens, stop denying your patrimony. That is just silliness.

Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me time.

It is extraordinary to me that we are engaged in a debate here today where the majority party is going to break a sacred lease with local government and violate one of the principles of Ronald Reagan's tenure in office, which is local control, to remove things from the awesome bureaucracy of Washington, D.C. and get them back down to the local level.

It was Ronald Reagan who signed the agreement which gave the compact to the District of Columbia and the State of Virginia, and it is an extraordinary document. It is one of the most comprehensive lease agreements you have ever seen. And actually he was right, because they have done things that I am sure the Federal Government and Congress never could have done in terms of developing that beautiful terminal at Washington National Airport. The investment that has gone in there would not have gone forward had it remained totally under Federal control, given the lack of interest in this Congress, which is also a scandal, in the infrastructure of this country.

But back to the issue at hand: This legislation would preempt, probably illegally and probably actually is doomed to lose in court should it be challenged, the authority, the full authority, the full control, the dominion, for the use, the development of this airport, extraordinary terms in a 50-year lease. Fifty-year leases are akin to ownership. In the courts they are interpreted that way. And yet Congress now is going to wade back in, the Republican majority, in order to rush through something for Ronald Reagan's birthday. They cannot wait for the *Nimitz* class aircraft carrier. They can't be happy with the largest Federal building in the world outside of the Pentagon. And we could rename the Pentagon, if they so chose, and I would probably support that.

Mr. Chairman, to preempt the name of George Washington, the Father of the Country, the first President, from this airport, it is extraordinary to not only violate the principles set down by Ronald Reagan, that is local control, local authority, a legal and binding contract and lease agreement signed by Ronald Reagan, endorsed by the Congress, which now Congress is attempting to usurp, and to remove the name from the airport of the Father of our Country, the first President of our country. It is extraordinary, and it is no way to honor Ronald Reagan or his principles, despite our many disagreements. I think this is a disservice to your greatest living President.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, my route to Congress was from State and local government. One of the legacies that I think is indisputable for President Reagan is that he focused more perhaps than any American President the attention of governance on the State and local level, his assertion that big government at the Federal level is not necessarily the best approach to solving our problems.

I think history will note that this will be one of his most important and lasting legacies, refashioning partnerships with local governments.

I can think of no more bizarre way to recognize President Reagan than to undercut that important part of his legacy when we have a designation of an airport, over the objection of the local business community, over the objection of the local airport authority, and where the Congress itself has no ability to go out and change the signs, to say Ronald Reagan Airport.

We had our distinguished committee counsel explain that what we could do is simply withhold passenger landing fees and other Federal funds. We could basically force the local authority to bend to the will of the United States Congress, and in the alternative force them to put at risk the safe and orderly administration of that airport.

Think about that extraordinary response.

□ 1245

I have no doubt in my mind that if Ronald Reagan were President and a Congress came forward with a proposal like this that would thwart the will of the local community, establish a precedent that would allow the renaming of any airport in America; for instance, the John Wayne Airport, this principle could allow the John Wayne Airport to be renamed the Jane Fonda Airport by withholding the same revenue stream, force them to comply with the will.

I think this is an embarrassment to our former President. I think it is actually the wrong way to go, and I hope that the Congress will not follow this path in a way that I think has a very dangerous precedent in the long term.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding me this time.

I rise in support of naming the airport after Ronald Reagan. I was a medical student in the late 1970s and early 1980s, and I remember 20 percent inflation rates, I remember no job creation, I remember my wife and I wondering what kind of future we were going to have. Then I remember Ronald Reagan getting elected and things really beginning to turn around, and I also remember the defense bill that he wanted to pursue which ultimately led to the end of the Cold War, and every step of the way there was opposition, opposition, how his policies were wrong.

He created prosperity in this country, and in my opinion, he is one of the greatest Presidents that this country has ever seen. It is fitting and proper for us to name this airport after him, and considering all of the opposition he got during his career, it is not surprising to me at all that this simple act is indeed opposed as well. It is because the people who oppose it will never recognize the fact that his policies were good for this country and the people loved him, and we are living today in the prosperity and the benefits still, created by Ronald Reagan.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to come back to the point about the name that the airport of our Nation's Capital bears. I said earlier, it is splitting hairs to try to say it is not named after our first President. It bears the name of the city that bears his name. It is clear that George Washington was in the mind of those who built and named this airport.

I have a copy of the brochure that was printed at the occasion of the opening of National Airport in 1941. It is replete with references to our first President. Let me just quote:

> From the highest point within the airport, George Washington might well have chosen the site for the Capitol to be amidst the meadows and low hills at his feet across the river.

Again and again, throughout this brochure, there are references to our first President.

> Another stratum of American history is about to be laid along the banks of the Potomac. The powerful figures in history will land here on land that knew the tread of Washington's horse as he campaigned for freedom, governed his country and managed his farms.

It is splitting hairs.

Look, this debate is not about the greatness of Ronald Reagan or his place in history. That will be secured by future historians. That will be secured by the value of his deeds, his actions as President, the legislation that he championed.

This airport has a good name. Let us find something else. Let us build a monument to Ronald Reagan in our Nation's capital, build it on ground at the National Airport, but let us not take a name, let us not be like the Evil Empire that Ronald Reagan so despised and so opposed and take names off and put other names on, depending on who is in favor or who is out of favor.

That is not the American way. That is not the way of this Congress. That is not appropriate. Go out into greater America, as I have been just recently in my district and hear what average folks say. They say, this is silly. This is trivial. There are better things to do in the Congress than to go about changing names and renaming.

I am sorry we are here to do this. It does not serve Ronald Reagan's name well, his place in history well, to take a name off and replace it with his. I wish the majority were pursuing a different course.

As in the case of the Ronald Reagan International Trade Building, I was glad to support it, and if there is some other structure they want to name or build in his honor, I would support it. But not this, not this action, not at this time in history, not this airport.

Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

I would like to make several closing points. It is a fact that the Federal Government owns this airport, which makes it quite different from other airports around the country. So to suggest that we could rename the John Wayne Airport is something entirely different, since we do not own the John Wayne Airport.

Secondly, with regard to the fact, and I think it is very clear, that the name Washington represents a market area. If it does not represent a market area, then I suppose The Washington Post should change their name to the George Washington Post, or the Washington Times to the George Washington Times, or the Washington Redskins to the George Washington Redskins.

Beyond that, in Houston the airport was not named for Sam Houston; it was named for the market area, and it has changed from the Houston Airport to the George Bush Airport.

Indeed, we have taken names off buildings. When our friends were in control of this House, they chose, and we supported it, to take the Lincoln Federal Building and change it to the Robert V. Denney Federal Building in Nebraska, and likewise, to take the Quincy Post Office in Massachusetts and change it to the James A. Burke Post Office in Massachusetts. These are minor points, but they have been brought up by our friends, and so I think they need to be addressed.

Perhaps the most crucial point, however, is that in the past several Congresses, when our friends were in control of the Congress, two-thirds of all of the naming bills were for Democrats, and we Republicans supported them. Even more significantly, in the 104th Congress, which the Republicans controlled, and in the 105th Congress, which the Republicans controlled, two-thirds of the naming bills continued to be for Democrats, and we Republicans supported it.

So we believe that it is quite proper for us to honor a President in this fashion who happens to be a Republican President, and just as we have supported our Democrat colleagues in the past on a bipartisan basis, we are disappointed that our colleagues have chosen not to support us on this matter and to make it a partisan issue. Nevertheless, so be it.

Mr. Chairman, I urge my colleagues to vote in favor of honoring a great President, Ronald Reagan.

Ms. MCCARTHY of Missouri. Mr. Chairman, today I rise to voice my concern about an issue of fiscal responsibility. The proposal to rename Washington National Airport for former President Reagan, while an attempt to honor a revered leader of this country, is an unfunded mandate on the state and local governments of Virginia as well as the businesses of this region. Public Law #104–4, enacted by the 104th Congress, which I cosponsored, prohibits the federal government from imposing requirements on state and local governments without adequate funds to carry out the order. The enactment of this legislation without a guarantee of federal funds to pay for it violates the intent of the law.

The cost of this mandate will effect the federal government as well as state and local governments and the regional airport authority. It is estimated to run in the millions of dollar when one considers all of the revisions which will have to be made to our air traffic control system, airline schedules, computer programs, baggage tags and other preprinted items, and the cost of changing the road signs leading to and around the airport and numerous other related activities. The State of Virginia estimates that changing the road signs alone will cost $60,000.

In addition to the costs, the action of revising a previously named facility is without precedent and the general practice of the House to consult with the Members who represent the affected facility before moving forward is being ignored. Mr. MORAN and other members from the Washington area are opposed to this renaming and support the decision-making authority that a previous Congress gave to the Washington Metropolitan Airports Authority. We should reject this measure as it is an action that may set us on a course for a number of name changes to existing buildings across the country to honor various icons of either party. We should respect the precedent

of consultation with Members of affected areas and maintain the practice of honoring distinguished Americans without partisan debate.

The Federal Aviation Administration has stated that such a change needs "strong and documented justification, primarily concerning air safety," because of its recognition of the costs to the system of making such a change. Mr. Chairman, today we need to ask ourselves if the benefits of changing the name of an airport from one former President to another outweigh the costs, and whether this is the best way to honor the principal of federalism for which former President Reagan stood firmly. I believe that it is important to remember as we enter into this era of intergovernmental cooperation and budget balance the restraint which brought us to this point of fiscal responsibility.

Mr. SANDLIN. Mr. Chairman, I rise today in opposition to H.R. 2625, a bill to rename Washington National Airport as "Ronald Reagan National Airport." I have no problem naming a government building after President Reagan. I believe we should honor him for the many things he accomplished as our President. I have a problem with renaming an airport that was built as a monument to our first President, George Washington.

The Congress has a long-standing policy against renaming buildings. Washington National Airport was named when it opened in 1941. It is named "National" because it serves the capital of our nation and "Washington" in honor of our first President.

In addition, I believe it is an insult to the Reagan legacy of local control for this body to impose this legislation on a local government body that has made it quite clear that they oppose this legislation. This bill is an unfunded mandate—both on the local government, and on the local businesses who will be forced to spend hundreds of thousands of dollars to make the changes necessary to accommodate a new name for this airport.

My final—and perhaps most important—objection to this legislation is the fact that none of our constituents will benefit from it. Yet, in the Transportation and Infrastructure Committee on which I sit, we debated this issue for three hours. Prior to that meeting, the Democratic Caucus spent an hour and the Republican Caucus probably spent a comparable amount of time debating the legislation. My constituents did not send me to Congress to spend this much time working on an issue that is of no consequence to the great majority of Americans.

I believe it is appropriate for the Congress to name federal buildings in honor of great American leaders. I have no problem with naming an unnamed federal building after President Reagan. I have no problem with naming an unnamed federal building after any great American leader. Building namings are typically routine matters that pass through our committee without discussion and pass the House under suspension of the rules. When any building-naming legislation is debated for this long and with this much objection, we must think twice about whether that legislation is really worthwhile. My colleagues, I submit to you that this particular proposal is not worthwhile.

Mr. Speaker, we should honor the Reagan legacy. We should name buildings in his honor. But we should not insult that legacy by imposing our will upon a local government that has made it quite clear that they do not want this name change.

Mr. DIAZ-BALART, Mr. Chairman, I rise today in support of H.R. 2625, a bill to redesignate Washington National Airport as the "Ronald Reagan National Airport".

What is the standard we use to judge our Presidents? How do we appropriately honor those men who have served our great nation and the office of the Presidency with great distinction, courage, honor, and vision? In this city, which is already graced with so many memorials of marble, granite, and bronze, to men and women who have loved freedom more than life and their country more than self—how can we best remember and celebrate the service rendered to these United States and to those dedicated to the cause of freedom throughout the world by President Ronald W. Reagan?

President Reagan represents the spirit that has made America strong. He began his eight years in office at a time when America appeared to be on the ebb—economically and militarily demoralized. But for President Reagan—it was morning in America. America during the Reagan years was an America of hopes fulfilled and a place where dreams came true. Reagan's America was to be a Shining City on a Hill—shining the light of freedom for all peoples throughout the world. This was his vision, a vision from which he never wavered.

In a speech given in 1964, President Reagan responded to his detractors, to those who said that only bigger and more powerful governments could provide security despite the price of freedom. He said:

> They say the world has become too complex for simple answers. They are wrong. There are no easy answers, but there are simple answers. We must have the courage to do what we know is morally right. . . . You and I have a rendezvous with destiny. We will preserve for our children the last best hope of man on earth or we will sentence them to take the first step into a thousand years of darkness.

Throughout his life, President Reagan has fought against tyranny and oppression—against that thousand years of darkness. He did not shy back from calling the Communist Soviet Union an Evil Empire; He did not hesitate to support those freedom-fighters who were engaged in battle against tyranny; He fought back relentlessly against every attack against America's people and her interests.

His moral courage and his conviction that America should be the example for all who would desire freedom to pursue life, liberty and happiness never failed and he is an example to all Americans. Around the world today, we are harvesting the benefits of that vision and hard labor as more and more nations around the world are turning from tyranny and oppression to democracy and justice.

I still share President Reagan's vision of America as a Shining City on a Hill shining its light of freedom around the world. It is only fitting that we honor the lifetime and legacy of this great American hero by reminding all that travel through our National Airport, a major gateway into this Capitol city, of his unwavering service and strength of vision. As long as freedom is our watchword and liberty our call to arms, America will continue to so shine its light into the world for all to see.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I must reluctantly oppose H.R. 2625, the renaming of Washington National Airport for one of our former Presidents of the United States Ronald Reagan. I find it inappropriate that the forces of self interest are using public sympathy of an ailing President as a justification for their own efforts which are misguided and mystifying to me. Washington National Airport already has an appropriate name, which was given to the airport when it opened in 1941. The word "National" is appropriate considering we live in the Capital of this Nation. The airport does not belong to the memory and ideology of one man or political party but it belongs to all citizens of the United States, regardless of party affiliation. We also need to remember that Washington Dulles International is already named after a Republican official. We have enough names in this city to pay homage to both Democrats and Republicans.

Some say that during the era of President Reagan, safety took a back seat to economics. After all, one of President Reagan's most controversial decisions was to fire air traffic controllers in 1981 and he prevented them from reapplying for their jobs. We also need to realize that as a Congress, it would be disrespectful to go against the wishes of the Member who represents that airport and who is opposed to this renaming bill.

Finally Mr. Chairman, I would like my colleagues to know that I am not here to undermine the Reagan Era, for after all he was the leader of this country at one time. But as a Congress we need to take a stand on renaming buildings, airports and monuments in order to fulfill political favors.

Mr. PAYNE. Mr. Chairman, I rise today to express my opposition to House Resolution 2625, a bill that would change the name of Washington National Airport to "Ronald Reagan National Airport." With all due respect to the former President, it is no secret that there was no love lost between President Reagan and this city. Over and over again, he stated emphatically that he did not hold this city in high regard. He was proud to call himself anti-Washington.

Clearly, when visitors arrive in their Nation's Capital, it is only appropriate the airport don the name of our Nation's first President. It would be inappropriate to name this airport after the man who in 1981, fired over 11,000 air traffic controllers and deprived the aviation

industry of years of expertise and experience. The negative effects of President Reagan's actions are still visible today.

Evidently, I am not the only one who has these sentiments. My colleague, Mr. MORGAN, the Greater Washington Board of Trade, and both Arlington County and the city of Alexandria are officially opposed to H.R. 2625. Generally speaking, naming bills are enacted with the consent of the Member or community in which the building is located. I would support an amendment that requires the approval of local officials before an official name change takes effect. This partisan attempt to force a federally unfunded mandate onto a local community, as well as the city as a whole, contradicts President Reagan's own philosophies.

In addition, President Reagan has already been honored by having his name on a bridge in Illinois, a boulevard in New York, a beltway in Ohio, and a nuclear-powered aircraft carrier which is to be christened in 2000. Not to be forgotten is the 3.1 million square foot, $818 million Ronald Reagan Building and International Trade Center which is located here in Washington, DC, only a few miles from the airport.

For better or for worse, I will concede that President Reagan was an influential President in our Nation's history, but there are many alternatives that could be considered to honor his accomplishments, as well as his name. Unfortunately, these alternatives are not being considered by the proponents of this bill. Therefore, I urge you to join me in opposition of H.R. 2625.

Mr. SKAGGS. Mr. Chairman, today's debate is not about whether there will be a monument to Ronald Reagan's Presidency; there are several, and there will likely be more. The largest Federal building in Washington bears his name, as does the newest *Nimitz*-class carrier in the Navy's fleet.

Mr. Reagan was committed to, and perhaps best remembered for, keeping the Federal Government out of local affairs. That's what makes the renaming of this airport, over vociferous local opposition, so inappropriate.

Mr. Reagan signed the bill in 1986 that put Washington National Airport under local control. Today, the Federal Government no more controls Washington National Airport than it does the airports in Denver or Los Angeles.

Denver International Airport, like most major airports, was built with substantial help from the Federal Government but is operated by a local authority, accountable to the people it serves. If Congress were to attempt to rename Denver's DIA after former President Eisenhower, or LAX after John Denver, I suspect most here would adamantly oppose overriding local control. And the most devoted supporters of former President Reagan's belief in local control would lead the charge.

Yet that's the precedent we would set today by passing this bill. It stands for the absurd proposition that any airport can be renamed, without regard to local opinion.

Congress make a commitment to local control of Washington National Airport in 1986 under the Ronald Reagan administration. It would do no justice to his legacy to go back on that commitment now.

Mr. COSTELLO. Mr. Chairman, while I have a great respect for Ronald Reagan and what he was able to accomplish during his tenure in the White House, I strongly disagree with the proposal to rename Washington National Airport the Ronald Reagan National Airport.

Over the years, this body has named many buildings and public facilities for past presidents, including the new Ronald Reagan Trade Center in Washington, DC. However, to my knowledge we have never renamed a building, let alone an airport. To replace the name given to Washington National Airport—clearly named after the first president and founding father of our country, George Washington—with another president sets a terrible precedent.

There is overwhelming local opposition to renaming Washington National Airport. To do so is contradictory to the Republican philosophy that the Federal Government should stay out of local matters. The Airport Authority, which was granted control of Washington's two airports in 1986, does not support this name change. Representative JIM MORAN, who represents the district in which Washington National is located, opposes the redesignation as do many of his constituents in the airport's community. Further, the County of Arlington and the Greater Washington Board of Trade both oppose changing the name.

This attempt to rename Washington National Airport does not serve Ronald Reagan well. I cannot support this bill and I urge my colleagues to join me in voting against it.

Ms. KILPATRICK. Mr. Chairman, I rise today in opposition to the legislation before us today, H.R. 2625, a bill that would rename Washington National Airport to the Ronald Reagan National Airport. This legislation usurps local authority, betrays the legacy of President Reagan, and would be an unfunded mandate to the hundreds of businesses located in Arlington, VA.

As a former State Representative for the State of Michigan and a current Member of Congress, I respect the position and office of the President. I also sympathize with the struggle that former President Reagan and his wife, Nancy, have shown with former President Reagan's challenge with Alzheimer's Disease. President Reagan and his family have my personal prayers and hope in battling this debilitating and destructive disease. I want to make it unequivocally clear that my opposition to this legislation is regarding its impact upon our tax payers, not because of any ill will toward the former President or his family.

I oppose this bill for many of the same reasons delineated in the committee report that accompanies H.R. 2625:

I. Renaming Washington National Airport would be against the wishes of the locality in which it is located, and is directly opposite the emphasis upon local control that was the fulcrum of President Reagan's philosophy. Congressman JIM MORAN (D–VA), the Member of Congress in whose district National Airport resides, Arlington County, VA, the City of Arlington, the Greater Washington Board of Trade, and former Virginia Governor Linwood Holton, the former Chairman of the Washington Airport Authority and the first Republican elected to statewide office in Virginia since the Reconstruction, opposes this legislation.

II. Renaming Washington National Airport would be against Federal precedents. Congress has never changed the name of a facility which already has a name. This policy has been followed by Democrats and Republicans alike. For example, the Department of Commerce building was not renamed when the late Secretary Ronald H. Brown died in the line of duty to his country. If this bill is adopted, all of our national monuments: the Washington Monument, Mount Rushmore, and numerous other buildings and edifices—might be renamed as well. To rename a building or edifice that has already been designated is a disgrace to the former honoree and the current honoree.

III. Renaming Washington National Airport is particularly puzzling because of his aviation policies. It is particularly ironic that an airport would be selected to be named after former President Reagan, as it was President Reagan who fired over 11,000 air traffic controllers after they went on strike in 1981, and then went on to prevent them from reapplying for their jobs far beyond any reasonable period of punishment. This overt union-busting tactic did little to improve the safety or security of our Nation's airways, and destroyed the financial well-being and livelihood of thousands of families across the Nation.

IV. Renaming Washington National Airport is not necessary to honor former President Reagan. President Reagan has been honored with the $800 million International Trade Center in Washington, DC, the largest Federal building other than the Pentagon; by a Federal court house in California; and the newest *Nimitz*-class carrier in the Navy's fleet. It should be noted that construction on George Washington's monument did not begin until 49 years after his death; President Lincoln was not honored with a memorial until 44 years after his assassination, and the Jefferson and Roosevelt memorials were not complete until 134 and 52 years after their respective deaths.

President Reagan has already been honored. President Reagan will continue to be honored—but, he should be honored in a manner that is appropriate with his legacy of less Federal intervention in local affairs and no unfunded mandates on municipalities. The cost of this legislation could perhaps be better used to improve Michigan's roads and bridges, provide safer and affordable home health care to our seniors, or provide more before- and after-school programs for our youth. While I sincerely respect the position of the Presidency, I must oppose this legislation and will vote against it on final passage.

Mr. NADLER. Mr. Chairman, I rise today to oppose the removal of the name of the father of our country from Washington National Airport. While there are many people in American history deserving of recognition in their role in the development of our country, I do not believe that any of them made a larger contribution than our first President, a great patriot, George Washington.

Let us forget for just a moment that Washington National Airport is named for the father of our country, but instead for someone who won the "what are we going to name our airport lottery." Even in that situation, do we really want to follow the old Soviet Union model where we change the names of our cities and landmarks depending on the whims of whomever is in power? St. Petersburg which became Volgograd which became Leningrad and

then became once more St. Petersburg. I don't think anyone on the other side of the aisle would appreciate it if, when Democrats regain control of the Congress we change the name of the Ronald Reagan Federal Building downtown to the Franklin Delano Roosevelt Federal building.

I would like to ask my colleague on the other side of the aisle why they would deny George Washington an airport? No one on this side of the aisle denied Ronald Reagan his landmark by naming the largest federal building in Washington, DC, after our former President. No one objected. The building did not yet have a name. Why is it that you want to deny George Washington his due?

Again, forgetting for a moment who this airport is named after, the name "Washington National Airport" is easily recognizable to shippers and tourists alike. When people come to our nation's capitol they see the name of the City they have come to visit. They see Washington and know they are in our nation's capital. Changing the name would cost the Airport Authority millions of dollars to change signs and pamphlets. Additionally, it would go against the wishes of the people of the region who provided the main support for Washington National Airport. These people are proud of the name of their airport, they are proud to be the gateway to our nation's capital.

Ronald Reagan's legacy will be decided by history, and monuments to that legacy should not come at the expense of the wishes and desires of the local community and especially not at the expense of our first President, George Washington.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 2 hours. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2625

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

SECTION 1. REDESIGNATION.

The airport described in the Act entitled "An Act to provide for the administration of the Washington National Airport, and for other purposes", approved June 29, 1940 (Chapter 444; 54 Stat. 686), and known as the Washington National Airport, shall hereafter be known and designated as the "Ronald Reagan National Airport".

SEC. 2. REFERENCES.

(a) IN GENERAL.—(1) The following provisions of law are amended by striking "Washington National Airport" each place it appears and inserting "Ronald Reagan National Airport":

(A) Section 1(b) of the Act of June 29, 1940 (Chapter 444; 54 Stat. 686).

(B) Sections 106 and 107 of the Act of October 31, 1945 (Chapter 443; 59 Stat. 553).

(C) Section 41714 of title 49, United States Code.

(D) Chapter 491 of title 49, United States Code.

(2) Section 41714(d) of title 49, United States Code, is amended in the subsection heading by striking "WASHINGTON NATIONAL AIRPORT" and inserting "RONALD REAGAN NATIONAL AIRPORT".

(b) OTHER REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Washington National Airport shall be deemed to be a reference to the "Ronald Reagan National Airport".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments shall be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DAVIS of Virginia:

Page 3, after line 23, insert the following:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that the Secretary of Transportation secures the consent of the Metropolitan Washington Airports Authority for the redesignation made by section 1.

Mr. DAVIS of Virginia. Mr. Chairman, this amendment is offered by myself, the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Virginia (Mr. MORAN), and the gentlewoman from Maryland (Mrs. MORELLA). It is bipartisan.

This amendment simply says that the act will take effect on the date that the Secretary of Transportation secures the consent of the Washington Metropolitan Airport Authority for the redesignation. Congress would go ahead and redesignate it, but we would ask the authority to share in that decision-making.

Let me explain to this body, I am a great fan of President Reagan's. I was his cochairman in Fairfax County, my county, in 1976, when he opposed the sitting Republican President, and in 1980. I was a delegate to various State and county conventions for Ronald Reagan in 1976, 1980 and 1984. His picture adorns the wall in my office. I believe he was a great President. I think he is worthy of great recognition.

But the good news and the bad news in this debate reminds me of a story of a man coming up for a dinner and saying, the good news is we have voted to make you man of the year; the bad news is it was a 5-to-4 vote. Ronald Reagan deserves more than a 5-to-4 vote. He deserves a mandate. We are not getting that here, we are not getting that in Congress the way this has developed, unfortunately.

Ronald Reagan stood for and warranted and recognized that localities should have control of this airport. Look at what Ronald Reagan's vision of a Metropolitan Washington Airport Authority, the legislation he signed in 1986, has done. If my colleagues have been out to Dulles and looked at the terminals out there and looked at the renovations that have been done, that would not have been completed if the Federal Government still owned and operated this airport. But under the leadership of the airport authority, under their bonding capacity, those renovations have been made and Dulles is now an international airport, and a model for international airports across the world.

Look at the new terminal at National. If there is one indicia of the legacy of Ronald Reagan, it is that terminal there at National Airport, which is new, it is modern, and it is a result of Ronald Reagan's work and legacy when he signed that legislation and gave control of the airport to the airport authority. That work would not have been done had it gone through the Federal appropriation process with the controls and the conflicts in terms of where the dollars are spent. So there is a Ronald Reagan legacy at National Airport.

This amendment simply allows the local airport authority, created by Ronald Reagan, signed into law by the President in 1986, to share in the renaming of this airport. This is not a partisan Republican, such as former Governor Linwood Holton, the first Republican governor of the Commonwealth of Virginia, supported this amendment. A number of Reagan members of his administration serve on that authority and advisory and support this amendment and believe that Ronald Reagan would want local control honored in the renaming of any airport that he was involved in in creating that authority.

The airport authority has had 2 lawsuits against this Congress when we tried to intervene our mandate onto their authority. As the gentlewoman from the District of Columbia (Ms. NORTON) noted earlier, we lost both of them. What a terrible tragedy it would be if we were to pass this, if we were to be sued and lose this and have it overturned in court because of some judicial interpretation, and both of those earlier suits went to the U.S. Supreme Court. They were not just lower level cases.

Ronald Reagan deserves better than this. He was a great man. He deserves a mandate, not a sharply partisan debate, which is the way this has unfolded, unfortunately.

This amendment is not about the history of the airport. This region was originally the Washington Hoover Airport, where the Pentagon is, and it was the Gravely Point project; it developed from there into the National Airport and then later the Washington National Airport. It has a long history. This is not about Ronald Reagan's legacy, which is a legacy I think historians will treat very kindly: A President who presided over the demise of the Cold War, the falling of the Iron Curtain; a time of great prosperity, and who signed the Airport Authority Act into law in 1986, a landmark decision that helped make this the airport it is.

This amendment is about a principle that he stood for and believed in, and that I believe is local control. I think we not only violate local control, we violate the principles he stood for if we try to impose from Congress, without consultation and the approval of that local airport authority, which is chaired by a Republican, I might add, to have them participate in the process.

I would ask for approval of this amendment, Mr. Chairman. I think that this is the way to go. A lot of Members over here are wondering if this is the appropriate legacy, but no one here wants to vote against somebody who we consider to be a great President, and this I think allows the localities to share in this decision-making, as it should be, and I think as he would want it if he were here speaking. So I ask for approval of this amendment.

□ 1300

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must rise in reluctant but very strong opposition to this amendment, because we believe it is simply a circuitous way to kill this bill. It is very clear that when we passed the legislation creating the Metropolitan Washington Airports Authority, it was careful to transfer only operating, I repeat operating, responsibility to the new authority, not ownership. The Federal Government owns the airport and, therefore, the Federal Government can rename the airport.

A change in the name does not affect the airport authority's operational abilities. They can still safely and efficiently operate the airport whether it is called the Washington National Airport or the Ronald Reagan National Airport.

If it is a concern about financing, the rather insignificant costs of changing signs at the airport, the Ronald Reagan Legacy Foundation has volunteered to help finance those changes. But, in reality, this is really a roundabout way to kill the name change.

Proponents are well aware that the Washington Post reported that the airport board, which has a majority of Democratic appointments on it, would vote 6-to-4, a partisan vote, to kill the name change. So that is what this amendment really is all about. It is unnecessary and it would, in effect, kill the bill.

The naming of federally owned facilities is uniquely a Federal prerogative. That privilege and responsibility should not be abrogated by this facility or any other federally owned facility, and I strongly oppose the amendment.

Mr. DEFAZIO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we are a country with a rule of law; and few things are more sacred under a rule of law than contracts. I always hate and hesitate to disagree with the gentleman from Pennsylvania (Mr. SHUSTER), my esteemed chairman, but I have got to disagree in this matter of how the airport was delegated and what authority the Federal Government retained.

It is quite clear. We gave them a 50-year minimum term lease, interpreted by most courts as being akin to ownership. We give them full power and dominion over and complete discretion in operation and development, development, of the airport. Not just operation, but development. And they shall have the same proprietary powers and be subject to the same restrictions with respect to Federal law as any other airport, which goes to some of the earlier arguments.

We did say this will be treated as any other airport in the United States. That is, we are not recognizing nor continuing the Federal authority to wade in and change the name or something else that we do not like, unless they violate the term of the lease.

The agreement went on to say that it would not be subject to the requirements of any law solely by reason of the retention of the United States Government of the fee simple title.

In paragraph after paragraph, principle after principle, we gave control to a local authority, a local authority that is doing an admirable job in improving a facility which was outdated and undersized for current demands. They have created a beautiful new gateway to the Nation's capital at Washington National.

But now we are saying, well, we are all for local control, except when we disagree with the conclusions reached by majorities of local boards. I mean, we are either for it or we are against it. We stand on, I believe, no legal ground here.

If Congress does make this empty gesture today in passing this legislation and it becomes law, surely, as Congress has twice before in recent history, Congress will lose in the courts. Like it or not, we signed a 50-year contract. Contracts are sacred under the Constitution in this country. And, as I said earlier, we are also violating the spirit of one of the principles with which, and I think Ronald Reagan made some good changes in this country, and that is some of the movement back from a huge centralized Federal bureaucracy to local governments.

Mr. Chairman, I was a county commissioner at the time; and I agreed with the principle that he set forward. I disagreed with the fact that he took away all of our revenue-sharing money to carry out some of those duties. But I felt the principle was good, that the solutions that work in New York do not necessarily work in Springfield and Eugene, Oregon; and the Federal Government did not necessarily have the best handle on how to solve the problems of Eugene, Oregon, nor the people of New York.

We need here just to rein it in a little bit. Yes, his birthday is coming up Friday. But, just think, my colleagues on the other side of the aisle have already honored the President by naming the largest, newest, most expensive Federal building in the United States of America in terms of square feet outside of the Pentagon for Ronald Reagan. There is an aircraft carrier which will be launched in the year 2000 which will be named for Ronald Reagan. There are many other things which do not have names which could be named for Ronald Reagan, the B-1 bomber which he was a great champion of and Star Wars, for instance.

So I believe that rather than removing the name of the first President of our country, usurping the control which we granted by sacred contract to a local board, that Congress would be better served today to approve this amendment and say if the local board agrees and the local communities agree, we will go forward. But if they do not, this renaming will not go forward; and Congress will choose, in its full authority in cases that are fully clear, fully within our dominion, to name other things as the majority so wishes.

Mr. Chairman, I really want to thank the gentleman from Virginia (Mr. DAVIS) for offering this amendment, which I offered in committee; and I particularly want to thank the other gentleman from Virginia (Mr. MORAN), who actually first brought this issue to my attention and the attention of my staff several weeks ago in saying that this was causing a local fire storm.

I mean, this is against the desires of local communities, local business, and the duly appointed local authority to whom Congress has given local control and dominion. This is not an appropriate tribute. This amendment should be adopted; then it becomes an appropriate tribute.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Davis-DeFazio-Moran-Morella amendment to H.R. 2625, which would redesignate Washington National Airport as

the Ronald Reagan Washington National Airport.

This amendment would leave the decision to rename Washington National Airport with the local Metropolitan Washington Airports Authority where it belongs.

When the Republicans became the majority party during the 104th Congress, we came into power on the theme of greater fiscal responsibility and more local control. This theme was consistent with former President Reagan's philosophy that the Federal Government should not carry out responsibilities that could be handled by State and local governments.

In keeping with this philosophy, President Reagan signed the legislation that in 1986 transferred control of Washington National Airport from the Federal Government to a local authority, the Metropolitan Washington Airports Authority, called MWAA.

During the first 45 years of National Airport's existence, it was owned by the Federal Government and operated by the Federal Aviation Administration. There were several attempts to transfer National to local control, but none was successful until President Ronald Reagan and Transportation Secretary Elizabeth Dole established an advisory commission to review the matter.

It was this advisory commission's report that brought about the transfer legislation that created the local authority, made up of members appointed by the governors of Maryland and Virginia and the Mayor of the District of Columbia.

Under the auspices of the Federal Government, National Airport was deteriorating and losing money. Under the auspices of MWAA, National has a new terminal and has undergone major renovation. These have been funded without any Federal contributions but with bonds and fund-raising efforts of the local authority. MWAA has been doing an outstanding job, and the airport indeed is the proud gateway to the Nation's capital.

Now, contrary to Mr. Reagan's philosophy, Congress is reaching into the affairs of National Airport, instead of leaving the major decisions to the local authority.

I have been very involved in issues regarding National Airport during my tenure in Congress. It is our local airport. I pushed for policies that would ensure that the airport is safe and a good neighbor to the surrounding communities.

Mr. Chairman, no one ever contacted the local congressional delegation about the issue of renaming National Airport. No hearings were held. H.R. 2625 has come to the House floor without local input, and I think this betrays former President Reagan's legacy.

Mr. Chairman, I can tell my colleagues, from the phone calls and letters to my office, that the local governments oppose renaming National Airport. MWAA, the Greater Washington Board of Trade, and the Federation of Citizens Associations of the District of Columbia all oppose the name change.

In addition, renaming National would be costly and would hurt small businesses in and around the airport. These businesses would have to change signs, stationery, and other promotional materials at a significant cost. We should not impose this unfunded mandate on local businesses and on our local authority. Of course, there would be resulting confusion.

Let me add that there was one flaw in the legislation that transferred control of National Airport to a local authority. That flaw was the creation of the Congressional Review Board that had oversight over all the decisions made by MWAA. The constitutionality of this congressional oversight was challenged on two occasions by the local community, and the case went all the way to the Supreme Court. Twice, the Supreme Court decided that Congress exercised too much power over National Airport. In essence, the Supreme Court told Congress to stay out of the affairs of the airport and leave the daily operations and major decisions to MWAA, the Metropolitan Washington Airports Authority.

So I urge my colleagues to vote "yes" on the Davis-DeFazio-Moran-Morella amendment.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with all due deference to lawyers and lawyer wannabees, a lease is not quite the same as ownership, no matter what the term of the lease; and I think that we need to recognize that fact.

Mr. Chairman, if there are those that simply politically disagree or personally disagree with renaming National Airport for President Reagan, then fine. But let us do away with some of these arguments that are cluttering up what is really going on here. The Federal Government owns National Airport. The fact that they have leased it to a local authority does not change the fact that the Federal Government owns that airport.

Some have suggested that President Reagan's name be affixed to Dulles International Airport. It is not quite the same. Mr. Chairman, Washington National Airport, the national airport at Washington, D.C., is the only airport in our country that is a national airport. It is the national airport. It is the only national airport. It is America's airport.

And as the airport for all of America, not for any locality, it is not Virginia's airport. It is not Maryland's airport. It is not Pennsylvania's airport. It is not Georgia's airport. It is America's airport. It is the airport that serves our Nation's capital. It is the only airport that directly serves our Nation's capital, and I believe that it is entirely within the prerogative of the United States Congress to name that airport as the people of this country through their representatives wish it to be named.

Mr. Chairman, make no mistake about it. This amendment is a killer amendment. It would gut and remove what we are trying to do here as representatives of the people, for the people, and by the people.

I urge my colleagues to vote this amendment down, recognizing it for what it is, and that is a killer amendment designed to kill this legislation and the intent of the legislation. I urge a "no" vote on this amendment, Mr. Chairman.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are those who would like to make this debate and passage of this bill a referendum on whether or not we honor and respect President Reagan's service to the Nation. So let me say up front, while I may not agree with many of President Reagan's policies, I honor and respect his committed and dedicated service to his fellow citizens. I believe most us here today do feel that way.

But, unfortunately, this legislation is not about honoring his service. It is about honoring his politics. And there is a difference.

The gentleman from Georgia (Mr. BARR), the sponsor of this legislation, supported the bill by saying, quote, "It is only fit that this gateway to the city that still enjoys the Reagan legacy of smaller government and lower taxes be named after this American hero."

Former Governor Allen of Virginia was quoted in The Washington Post as saying, quote, "He noted with relish that, with the new name, generations of lawmakers would be greeted by a memorial to a famous opponent of Federal spending."

Honoring service is not a controversial matter. Honoring politics is. We need look no further than how this legislation is being viewed to tell how this effort is perceived.

□ 1315

It is the proponents of this bill who are doing a disservice to President Reagan by using him as a political pawn to forward a contemporary agenda. But to be consistent, if the goal is to honor President Reagan's politics, then we could at least be presented with a bill in keeping with the spirit of his work. This bill does not even do that. In fact, it does just the opposite. It would place an unfunded mandate on the local airport authority. It takes power and decisionmaking away from the local officials who run the airport to name it as they see fit. It could add

costs to private sector operations ranging from airlines to travel agents, but we did not even bother to hold a single hearing to find out what these costs might be. This bill does not honor the spirit of President Reagan's work. It flies in the face of it. It defies everything he stood for, and that is why we should adopt this amendment.

Worse yet, of all the times and of all the places we could choose to inject this politics over service rhetoric, using it to rename Washington National Airport is the most inappropriate of all. As its name says, Washington National Airport belongs to the Nation, to everyone, Democrat, Republican, Independent and alike, young and old, black and white, rich and poor. It welcomes visitors from around the Nation and around the world to our capital, where everyone has a say, where all views can be debated, where the majority may govern but the minority have rights, too.

We have already named various institutions for President Reagan. We think that those are appropriate. But in this case, we in the minority are exercising those rights not to deny President Reagan's honorable service, but to affirm that service, not politics, is the criteria and the way an entire Nation comes together to honor a leader. This is not the way to do it. The amendment should be passed, and in its absence, in its failure, the legislation should be defeated.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, this is a bipartisan amendment, and it is in that spirit that we usually change names or put names on buildings or monuments. It is an amendment that will be supported by some who are for the name change and some who are against the name change. This amendment is one that Members should rush to the floor to support because it simply says that local control should apply here as it does everywhere else. In this case local control would mean regional control.

This was the only airport under the control of the U.S. Congress for a very long time. The result was that an airport that was a state-of-the-art airport when it was opened became almost dysfunctional and unworthy of being the airport for the Nation's capital. What Congress wisely did was to create the Washington Regional Airport Authority, and what has emerged, is a beautiful new airport to show for it.

My colleagues, we simply cannot have it both ways, not under the law. This cannot be a regional or local airport when you pay for it and when you run it, but a national airport whenever the Congress feels like intervening into local affairs. Indeed, to have that kind of back and forth, even if it were legally permissible, would be the antithesis of local control. It would be arbitrary and capricious, and the courts have so found.

We wrote a lease which gave absolute, total control and discretion to the Washington Airports Authority. I assure my colleagues, we did not do that out of our great generosity. It was very controversial. Congress did not want to give up control of this airport because it regarded this as its airport with all of the perks attending that status. But Congress was forced to write a lease that gave full responsibility to the Washington Regional Airports Authority. And the reason it was forced to do so was that the legal status and the financial status of the new airport required it. We were simply not going to be able to float bonds, for example, at a reasonable rate if in fact the marketplace was not sure who was in control and who was not. So the words are simply unmistakable; words like "full authority," "complete discretion." There are simply no exceptions in the law or in the lease.

My colleagues do not have to believe me. Simply go to two Supreme Court decisions which have interpreted this language. The Supreme Court has interpreted this language twice. This language is designed to protect bondholders. And what will happen if the courts were to allow even a name change, intervention to change a name, to rename, is that it would send a message in the marketplace that you cannot tell when Congress may come in, and, therefore, we would destabilize the legal and the financial position of the Washington Regional Airports Authority. That is why, Mr. Chairman, this name change is not going to withstand another legal attack. What do we need—three Supreme Court decisions in order to get it? Congress has already lost twice.

This is no way to honor a President of the United States who is beloved by millions upon millions of Americans. But we are on our way not to a name change, we are on our way to a court suit unless this amendment passes. This amendment is a common-sense amendment, the kind of amendment that those who want this name will support, and the kind of amendment that I think could get them this name if they do it the right way, the way we have always done it in this House, the way we always do it in other locations.

This amendment leaves us with the only way to honor a President who lived for and by local control. I ask Members to support this common-sense amendment.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Speaker of this body is in receipt of a letter from the chairman of the Metropolitan Washington Airports Authority that indicates that the action that we are about to take is likely illegal. I would urge the Speaker to release that letter to the body before we do act in an illegal manner. The letter addresses the legal authority that the gentlewoman representing the District of Columbia just referred to.

There is substantial cause to uphold the control that was ceded in 1986 to the Metropolitan Washington Airport Authority and compelling reason not to take away some part of that controlling authority. It does send the signal that not only jeopardizes its bonding authority and the ability to implement its other subsequent decisions, but it would have precedent in other situations where this Congress has ceded authority.

Speaking of Speaker GINGRICH, I would like to quote Speaker GINGRICH from the Congressional RECORD of 1986, when the authority was being granted to this Metropolitan Washington Airport Authority. The Speaker said, "Tonight we have the chance to get the Federal Government out of the business it has no business being in. The very scale and complexity of this resolution should remind all of us that managing legitimately Federal activities is a big enough job. It is time to allow a regional authority to do a regional job, that of managing airports."

"The fact is very simple." He goes on to say, "The Federal Government ought not be involved in dictating what regional airports ought to be doing." He says, "Do we allow the regional authority to both run the airport, getting it away from our attention and not cluttering us, or do we allow the regional authority to borrow the money, thus not having ourselves burdened?"

I am not going to take up the body's time, but it is clear from the Speaker's quotes as well as the language in the Senate debate, and Senator Dole was most explicit, that complete authority was given to the Metropolitan Washington Airport Authority. We did not retain authority to do what is being suggested be done today.

This has substantial adverse implications. That is why the business community is opposed to it. The business community's opposition has no political partisan basis. One rental car company told me that if the Congress does this, it is going to cost him $200,000. It means that they have to change all their promotional materials. It means that the airport location is not going to be readily identifiable. Who knows where Ronald Reagan Airport is? It is going to take a time for the public to figure it out.

We made the arguments against doing this on the basis of history. I think those are compelling arguments. The airport stands on the very road that leads to George Washington's home, Mount Vernon. The land was owned by George Washington's adopted

son. We have a long historical relationship, and we can show that. Apparently that does not matter.

But I think it should matter to the Members when the chairman of the committee cites precedent. It is unprecedented to rename a facility or to name a facility in the jurisdiction of a Member of this Congress when that Member opposes that naming. This Member opposes the action that this body is considering. It is unprecedented to do this over the wishes of the Member, whether they be Republican or Democrat. In the past Democratic Congresses have always respected that custom.

I have good reason to be opposed to this because my constituency is opposed to this. The local governments have opposed this. We have made those letters available. They have good reason to be opposed to this. Respect the wishes of those local governments. Respect the constituencies that I am bound to represent.

Our opposition is not partisan. In fact, it is wholly consistent with President Reagan's philosophy of devolving power to local government. If we do this, it will be an arrogant abuse of power. It will be partisan. It will be wrong. We should not do this.

There are plenty of ways to recognize Ronald Reagan appropriately. We are going to be doing that very soon when we dedicate the International Trade Center, an $800 million Federal building, in his honor. We are going to dedicate the next *Nimitz* class aircraft carrier in Ronald Reagan's honor. Those things are appropriate. This is inappropriate.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know, as I said at the outset, how the vote is going to come out on this. This is Republican dogma. And the Republican side is going to vote because some order has been passed from on high to vote for this name change. But I do want to make the reasoned argument; at least reason will be on our side, if not the votes.

When the compact was entered into pursuant to act of Congress in 1986 to create the Metropolitan Washington Airport Authority, there was very clear and specific language in the lease. It is broad. It is comprehensive in its scope.

"The Airports Authority is authorized to occupy, operate, control and use for the term of this lease all land, improvements, buildings, fixtures, easements, rights of interest, egress and appurtenances thereto belonging, owned by, used or controlled by or assigned to the United States of America."

□ 1330

Subject to the provisions of this lease, the airport's authority shall have, consistent with the 50-year minimum term of this lease, full power and dominion over and shall have the same proprietary powers and be subject to the same restrictions with respect to Federal law as any other airport, except as provided herein.

The lease also contains what lawyers call a quiet enjoyment clause; that the airport's authority shall fully, peaceably and quietly occupy in joyful possession of the leased premises without hindrance or interference by the Secretary or any other person or entity. That is us, the United States Congress.

The United States, in the grant of authority to MWAA, did not reserve the right to change the airport's name, and any such action, in my judgment, is patently inconsistent with the broad scope of the lease rights that conferred control and full power and dominion over the airport.

In fact, the Congress did attempt to establish authority to interfere with or override actions of MWAA that it considered not in the broad public interest by creating a control board or an oversight board. On two occasions that oversight board was ruled unconstitutional by the U.S. Supreme Court. In my service then as chair of the Subcommittee on Aviation, I vigorously opposed reestablishing the authority of this oversight board. I felt we ought to get rid of it and, indeed, the Supreme Court twice ruled that this was an unconstitutional interference in executive branch authority.

So now the question comes up, well, supposing we do pass this legislation, it does become law, and the authority chooses not to change the name as directed by Congress. In the course of our committee markup I asked counsel, well, what authority do we then have? What action could we take if the airport authority would not put up new signs to reflect the change or other actions to reflect the change?

It was rather calmly and coolly suggested that Congress could compel the authority to change signs by taking away their Federal grants and their ability to levy local passenger facility charges to make safety and efficiency improvements. Pretty heavy-handed. An astonishing ruling. An astonishing arrogance to ourselves of power.

If carried out to its logical conclusion, that gives this Congress, gives our committee, authority to interfere in any airport anywhere in America under control of any local government by simply shaking our finger at them and saying, change your name, make some other change that we want done by an act of Congress or we will take away your airport improvement grant money; we will cancel your passenger facility charge authority.

That is an enormous arrogance of power and it opens a dangerous door through which none of us would want to tread. This is a dangerous precedent.

The amendment should be adopted; if not, the bill defeated.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, evidently the Congress is into the business of naming things after people who have nothing whatsoever to do with the facilities that are being named after them. I would say that while I had great personal affection for President Reagan and served with him, I would say that he had about as much to do with Washington National Airport as I have to do with an airport in Tibet. I am old-fashioned enough to believe that if we are going to name something after somebody, we ought to give the name to something with which that person is intimately associated.

So I would simply have a question. Would it not be more appropriate, for instance, to name the Bureau of Public Debt the Ronald Reagan Bureau of Public Debt? The act of this Congress that has made me more angry than any act since I have been here is the action that this Congress supinely took in 1981 when it whooped through here, with people in both parties voting for it, the Reagan budgets, which took the deficit, which had never been higher than $74 billion, up to well over $200 billion. It has taken us almost 20 years to dig out from under that, with strong efforts on the part of people in both parties to accomplish that fact.

And so I simply make that point to note that there ought to be a certain degree of appropriateness, and a certain connection between the name of the person and the act, and I think that would be at least as appropriate as the action being contemplated both by this amendment and by this bill in general.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. DAVIS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 344, further proceedings on the amendment offered by the gentleman from Virginia [Mr. DAVIS] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON: Page 3, after line 23, add the following new section:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that the Metropolitan Washington Airports Authority secures funds other than funds from the operating budget of the Authority for all costs of carrying out the redesignation made by section I.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

Ms. NORTON. Mr. Chairman, my amendment simply keeps the promise of the House that there shall be no unfunded mandates. I do not believe that there is any Member of this House who would take exception to this amendment.

The bill itself represents a broken promise: No congressional mandates on Federal buildings without local consent. All I am asking is that we do not add cost to injury by adding cost to the operating budget of the Washington Regional Airport Authority.

The authority that runs the airport consists of four jurisdictions. This authority has not given its consent to this renaming or to accepting the cost. Two of the Members are from Maryland, five are from Virginia, three are from the District of Columbia, and three are Federal appointees. My amendment simply requires that funds outside the operating budget be obtained to carry out any renaming.

Now, those who are for the renaming ought to be the first to vote for this amendment; that is, if they have read the Supreme Court decisions which have interpreted the language to mean that the Congress cannot, in fact, impose its will on any issue at this time. At the very least, when this matter goes to court, and I predict that it will, Congress will be able to say that it did not add to the operating costs.

And that is important also to protect the financial position of the regional authority. The whole reason for the absolute language in the lease is to protect the financial position and the legal posture, and also to protect the Congress so that it is clear that the full faith and credit of the United States of America is not behind this airport at this time; that only bonds floated by this airport stand behind this airport.

My amendment simply says, that is right, we are not imposing on you any costs from Federal legislation, nor is there any Federal mandated cost, nor would any Federal costs be allowed for my bill. And we do not need any Federal costs to be imposed as well. If in fact Ronald Reagan's name is to be imposed on the airport from the top down, rather than the way it is always done in our country, from the bottom up, then certainly no costs should devolve to the local area.

But, Mr. Chairman, nobody has a shred of evidence of what the costs are because we were not given the courtesy of hearings. There is no information and no data. We do not know what the cost to government would be, governments around the world, the country, and regional. We do not know what the cost to the private sector would be. Essentially, what the Congress would be saying by passing this bill is, "It is not our cost, so why care?" Well, I tell my colleagues who does care. The business community and the public in this region who will bear those costs care.

There is very substantial injury to this region well beyond cost. What is in a name? Well, billions of dollars in real money and in good will are in a name. That we must all surely recognize from the fact that establishments now sell naming rights and earn millions of dollars simply by selling the right to put one's name on a building or on an establishment. We in the District of Columbia have just sold the naming rights to the wonderful new arena, which I invite Members to partake of, downtown. It is called the MCI Arena, not because we like it that way but because we got millions of dollars for getting it that way.

Over time billions of dollars are tied up in the name of the Washington National Airport. This is a major tourist region. This is the gateway to official Washington, named for the first President of the United States.

My amendment is surely one that the entire House can support. It is very short. All it does is to say to the regional folks that the money from this is going to come from elsewhere; it is not going to come from you. We are sure that those who want the airport renamed, many of them from the private sector, if there are costs, would in fact be able to raise those costs. There is no partisan content here. I ask for a bipartisan vote.

And, Mr. Chairman, I insert for the RECORD a letter from the Board of Trade opposing this change.

GREATER WASHINGTON BOARD OF TRADE,
Washington, DC., January 26, 1998.

Hon. BUD SHUSTER,
Chairman, Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN SHUSTER: On behalf of the Greater Washington Board of Trade, I am writing to express our opposition to H.R. 2625 designed to change the name of Washington National Airport to the "Ronald Reagan Washington National Airport." With all due respect to President Reagan, we believe that renaming the airport would be very confusing to air travelers, visitors, and local residents alike.

If there is a compelling desire to memoralize President Reagan at Washington National Airport, we believe that a more appropriate recognition would be in renaming the new terminal in his honor. The revitalization of the terminal and other improvements can, after all, be traced to activities initiated during his term in office.

The Greater Washington Board of Trade is the chamber of commerce for the greater Washington region covering Northern Virginia, suburban Maryland, and the District of Columbia. Through the Transportation and Environment Committee, the Board of Trade addresses the needs of our region's transportation infrastructure and the environment.

Thank you for your consideration in this important matter.

Sincerely,

CHARLES A. DUKES, JR.
Chairman, Transportation and Environment Committee.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is just a last ditch back-door effort to delay and, hopefully, kill this legislation. There are several important points I think that can be made in response.

First of all, there is no reason to delay because the cost of making this change is insignificant. Now, those are not my words, this is the Congressional Budget Office, which estimates that the costs "would not be significant." Further, the chairman of the airport authority stated last year that the cost would be small. Third, it only cost the Houston Airport $10,000 to change the name to the George Bush Intercontinental Airport. And with National Airport having a budget of $259 million, this indeed is significant.

Beyond that, the Reagan Legacy Project has said that they would be willing to help in expenses, if it were necessary. So there is no reason to delay this.

And let me further deal with the issue of no hearings and moving quickly. In the 104th Congress we had five naming bills pass that did not go through the committee and had no hearings. In the 103rd Congress, six did not go through the committee hearings; 102nd Congress, three; the 101st Congress, four; the 100th Congress, six.

In fact, when we named the Thurgood Marshall building, that did not even come to committee. That was done directly here on the floor two days after Justice Marshall died, before he was even buried. So there is enormous evidence to suggest that we are not doing anything here unusual at all.

For all those reasons, I would urge that we defeat this amendment.

□ 1345

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sure that the chairman of the full committee recognizes that the CBO estimate of cost only refers to the direct costs incurred by the airport's authority. It does not include the very substantial cost that the small businesses in the private sector would incur.

I got a letter and subsequent phone calls from several companies. But one such company, an airport rental firm, estimated that it would cost them $200,000 to make this name change. All of their National promotional materials have to be changed. And that is not one of the largest rental car companies. There are any number of businesses, hundreds of businesses, that refer to their location that serve Washington National Airport. All of that has to be changed.

This, in fact, is an unfunded Federal mandate, more so on private businesses than on the public entity, the airports authority. But it is on both. It is contrary to the legislation that we passed that we would not continue to do these unfunded Federal mandates.

But here we are again. When it suits our purposes, what difference does it make what we do to these local businesses? We want our will imposed. It is more important to us. They do not live in the area. They do not represent the area. So what is it to them?

Their people, if they care anything, they know about Ronald Reagan. They do not know anything about Arlington or Alexandria or the Greater Washington Board of Trade's concerns. But that is what Ronald Reagan told us. That was part of his philosophy: Respect the wishes of local government; respect the wishes of small businesses. And they are going to incur very substantial costs.

I had an amendment that said, well, if we are going to do this, maybe we ought to start paying for parking at the airport and put those funds in a fund that would reimburse the small businesses for the costs that they are going to incur because we chose to impose our will on them.

Talk about rubbing salt into wounds. They thought they got the authority. They have to pay the expense. They issue the bonds. It is not Federal money. We get free parking, and then we decide how the airport should be named, despite the wishes of the local government.

Arlington has voted against it, Alexandria, the Greater Washington Board of Trade, any number of businesses that expect me to represent them and that would expect that this body would have some respect for them.

This is a good amendment. It should pass. It is completely consistent with what this Congress is supposed to be all about.

Certainly, the Republican side of the aisle ought to have some respect for small businesses, even if those small businesses do not happen to be in their own congressional district. It might even be nice if they showed a little respect for the Member who represents that district, because that Member would respect the wishes of them if it was going to be done in their district. But, no, this has too many national political implications, so the heck with it.

This came about because of a national solicitation for funds by a man by the name of Grover Norquist. He set part of this Reagan legacy project and then everybody goes along with it.

It is not right. It is not right to trample on the wishes of local government. It is not right to impose these fees on small businesses. My colleagues do not know whether they can afford that cost.

One of these rental car companies said, "This could drive me out of business if I have to change all my promotional materials. I just updated them all." But what do we care? It is nothing to us. We have the power of the purse. We have the power. We can exercise it at will. Well, this is an arrogant abuse of power. It should not be done. It is wrong, and it creates a precedent that is going to come back to haunt us.

I urge support for the amendment.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

Mr. MORAN of Virginia. Mr. Chairman, I object unless the gentleman is willing to yield so I can respond.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Pennsylvania (Mr. SHUSTER), distinguished member of the committee.

Mr. SHUSTER. Mr. Chairman, I thank my friend for yielding.

I simply wanted to make the point that there is nothing in the law that requires small businesses to change the signs. If I had a small business, I would use my signs and stationery that I had; and when it was appropriate and when it ran out, I would then change it. So I would expect over time this would occur and, therefore, would not be a financial burden on the small businesses.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

I do want to say that I think it would have been appropriate for the gentleman's unanimous consent request to be concurred in so that he could speak, and I think there was simply a misunderstanding over here on our side.

So far, the costs that this bill will impose on the local airports authority are not known. It is conceivable that they will not be inconsequential or unsubstantial. The local authority should not be required to bear these costs when they have been given no voice in change of name.

Under the amendment pending, the costs do not have to be met by the Federal Government since a good deal of the motivation for the name change has come from private sources who want to name airports all over the country. In fact, it was suggested there ought to be a Ronald Reagan Airport named in every State, which raises the possibility we could take off from one State and land in another and not know where we are, we would always be landing in a Ronald Reagan Airport. But it is reasonable to expect that those who are advocating this name change should pay for it.

The CBO statement, which appears in our committee report on the bill, suggests its costs are likely to be minimal. It says that if the State of Virginia chose to change signs, costs would not exceed $500,000. Well, that is $500,000. If they have got a tight budget, that $500,000 makes it all the more tight.

I certainly think that someone other than the Washington Metropolitan Airports Authority should bear the responsibility and the cost for any changes or any costs that may be incurred.

One that occurs to me is that, as one approaches the old terminal now as it is known, across the front of the terminal is the name Washington National Airport. It is engraved in stone, has been there since 1941. I have heard no discussion of whether it is the intent of this legislation to change that name, if we are going to have stonemasons come and replace those blocks of stone with others on which Ronald Reagan's name is carved, or whether there is the intention to lay another block of stone atop what is already there, put the name Ronald Reagan on it, and somehow the idea is to have a political billboard greeting people as they arrive at our Nation's capital.

So I am just wondering if there are stonemasons perhaps in the State of Pennsylvania. My good friend, the gentleman from Pennsylvania (Mr. SHUSTER), might have some stonemasons there that might want to engage in this trade. Or whether the Majority has given any thought to the fact that this structure, the terminal building, is on the National Register of Historic Places and that to rename it, to change its facade, would require great exceptions under the National Historic Preservation Act. I do not think any thought has been given to that possibility.

So, as the gentlewoman from the District of Columbia (Ms. NORTON) proposes, there are costs. We have not thought a great deal about them in this rush to name the airport before President Reagan's birthday. We certainly, at least, ought to pause to give thought to the costs and let those who are proposing this name change bear those costs.

It is quite a responsibility on small businesses that depend upon the airport to have to go and change all of their materials to accommodate this name change that we have been hoisting upon the public here for very narrow partisan purposes.

The amendment is a good one. It raises the issue of costs which have not been carefully thought through, and it is one that ought to be adopted, and I urge support.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The amendment was rejected.

Mr. OBERSTAR. I move to strike out the last word. Mr. Chairman, within the 2 hours allotted for consideration of the bill, how much time remains?

The CHAIRMAN. There is 1 hour remaining.

Mr. OBERSTAR. Mr. Chairman, I intended to ask for a recorded vote on the Norton amendment.

The CHAIRMAN. That request comes too late.

AMENDMENT NO. 3 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MORAN of Virginia:

Page 3, line 2, strike "Ronald Reagan" and insert "George Washington".

Page 3, line 6, strike "Ronald Reagan" and insert "George Washington".

Page 3, lines 17 and 18, strike "RONALD REAGAN" and insert "GEORGE WASHINGTON".

Page 3, line 22, strike "Ronald Reagan" and insert "George Washington".

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, this amendment would clarify the name of Washington National Airport since, apparently, there is a great deal of misunderstanding. It needs to be recognized, for example, that Franklin Roosevelt, in the commissioning of Washington National Airport, told the architects that the main terminal was to be designed to look like Mt. Vernon, the home of George Washington.

We can see it from perspective, which is difficult because most of us see it when we are right up on top of it and getting out of an automobile. If we look at it from the proper perspective, though, we can see that that is what the architects did.

I think it also is important to recognize that this land on which Washington National Airport is located was owned by John Park Custis, who was George Washington's adopted son, the only surviving son of Martha Custis Washington. He owned the property, lived there until his death at the battle of Yorktown. He was named to George Washington, who, after marrying Martha, treated John P. Custis as his own son.

Dr. David Stewart, who was then President Washington's physician, married J.P. Custis' widow and moved into the Abingdon estate, which is where Washington National Airport is located. Dr. Stewart was one of the three commissioners supervising the development of the Nation's new capital and personally named the city across the river the city of Washington and the territory of Columbia. It was clear that it was being named after George Washington, that Washington National Airport is named after George Washington.

□ 1400

J.P. Custis' son, George Washington Park Custis, who lived at both Abingdon and Mount Vernon, who was adopted by George Washington following the death of J.P. Custis, built Arlington House, better known as the Custis-Lee Mansion, which later became Arlington Cemetery. He was Robert E. Lee's father-in-law. All of this occurred on this land. That is why my constituents care so much about retaining the identification of Washington National Airport with George Washington.

There is a lot of history here. Washington National Airport is built on the very foundation of Abingdon Plantation. This is where these people lived.

In the promotional material for Washington National Airport, as the gentleman from Minnesota (Mr. OBERSTAR) has referred to, time and again they talk about George Washington treading on this land. His family owned this land. This was very important to him. That is why it is so important to us. He lived on the same road, at the very end of it, at Mount Vernon.

What this amendment would do is to make it clear that this airport is named after George Washington, as George Washington National Airport. That is the way it should continue to be named.

Mr. Chairman, I can understand people's respect for Ronald Reagan, but, I have to say, this dishonors Ronald Reagan's legacy. This is not right, and I know that neither President Reagan nor Mr. Reagan's family would want his name to be involved in such a contentious issue.

My constituents, who want to retain George Washington's name, do not want to be involved in any way in dishonoring Mr. Reagan's legacy. They do not want this to be such a contentious issue. But they jealously guard the name that this airport now has.

Not only does it honor George Washington, it also identifies where the airport is. It is helpful to the people who use the airport. It is going to be very confusing if it is renamed. People are not going to know where Ronald Reagan Airport is, because it could be anyplace in the country. Why would anyone figure it is going to be in Arlington, Virginia?

I think this is the kind of amendment that we should do, to make it clear that we will not get into this kind of partisan, contentious debate, ever again.

Mr. Chairman, I urge support for my amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) insist upon his point of order?

Mr. SHUSTER. Mr. Chairman, I insist upon my point of order.

Mr. Chairman, as a preface to making it, I note my good friends on the other side, by making this amendment, have totally destroyed their argument about cost and lack of hearings, because this is going to cost money and this is going to cause hearings.

My point of order is this: My point of order against the amendment is on the ground it violates clause 7 of rule XVI of the rules of the House because it is not germane.

Clause 7 of rule XVI provides that no motion or proposition on a subject different from that under consideration shall be considered under color of amendment.

The amendment adds an additional proposition. It is not germane because it substitutes a new name. It substitutes George Washington for Ronald Reagan. The bill is narrowly limited to a certain name, and the substitution of another violates the House rules.

Also, interestingly, the law establishing the boundary between Virginia and D.C. names the airport as the Washington National Airport while referring to the adjacent parkway as the George Washington Memorial Parkway. This is further proof that the airport is named for the metropolitan area and not for the person, and I insist upon my point of order.

The CHAIRMAN. Does the gentleman from Virginia (Mr. MORAN) wish to be heard on the point of order?

Mr. MORAN of Virginia. Mr. Chairman, I do.

Mr. Chairman, in the other body they have named this airport Ronald Reagan Washington National Airport. The point that I want to make is that no one knows, including our very respected, knowledgeable parliamentarians, whether the people who named the airport Washington National Airport were identifying with the geographical location or with the personal identification. That is my point.

The constituents who use it, in whose district it is located, feel that it is named after George Washington, rather than the geographical location. But who is to say? I do not know for sure.

I am sharing my point of view, and this goes directly to the point of order. I feel that it is named after George Washington, and so I do not see that it would be subject to a point of order simply to clarify that. Certainly you do not need to change any signs, when people already assume Washington National Airport means George Washington National Airport.

So I do not agree it should be subject to a point of order. I think it is entirely in order. I think this clarification is appropriate for this body to pass.

The CHAIRMAN. Do other members seek to be heard on the point of order?

The Chair would rule on the point of order. The gentleman from Pennsylvania (Mr. SHUSTER) makes a point of order that the amendment offered by the gentleman from Virginia (Mr. MORAN) is not germane to the bill.

The bill, H.R. 2625, seeks to redesignate the Washington National Airport as the Ronald Reagan National Airport. The bill consists of a single individual proposition. It proposes to redesignate a specific airport in honor of a specific person.

The amendment offered by the gentleman from Virginia (Mr. MORAN)

seeks to substitute the name "George Washington" for the name "Ronald Reagan" in the bill. Clause 7 of rule XVI of the rules of the House requires that amendments be germane to the proposition to which offered. A general principle of germaneness rule is that one individual proposition may not be amended by another individual proposition, even though they may be of the same class. This principle is recorded on page 619 of the House Rules and Manual. The chair notes a relevant ruling on this principle. On February 9, 1910, the House was considering a bill providing for the erection of a statue to honor General Von Steuben. An amendment was offered to strike the word "Von Steuben" and insert "George Washington." Speaker Clark ruled that the proposition before the House was confined to a statue honoring General Von Steuben and that an amendment offering a proposition for the erection of a statue of George Washington was not germane. This ruling is codified in Cannons Precedents, Volume 8, Section 2955.

Because the pending text propose proposes a narrow individual proposition, the naming of a specific airport for a specific person, and the amendment proposes to substitute a separate individual proposition, to wit, the naming of that airport for a different person, the amendment is not germane.

While the Chair acknowledges the difference of opinion expressed regarding the derivative nature of the current name of the airport, nothing in the committee report on the history of the naming of the airport, or as a matter of law of which the Chair is aware, indicates that the airport is now explicitly named in honor of George Washington. In addition, the Chair would note that a relevant statute, the Act of October 31, 1945, printed in part on page 10 of the committee report, illuminates a distinction between the George Washington Memorial Parkway and the Washington National Airport.

Accordingly, the point of order is sustained.

Are there further amendments?

Mr. DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am disappointed to know George Washington has been overruled by the House Parliamentarian before today. I appreciate my friend offering that amendment, and it is not in order.

Mr. Chairman, I had an amendment that I was going to call up that would have at least clarified the Ronald Reagan National Airport, that is currently contained in the legislation, and would have made it the Ronald Reagan Washington National Airport. That would have stopped some of the confusion we hear. It would have kept Washington's name in it. Whether it demarks the location or a great President and Virginian, I am not certain. But as I understand it, there will be opposition on the other side to this amendment, so I will not bring it up at this point.

Am I correct there is to be opposition to that amendment to change it from Ronald Reagan National Airport to the Ronald Reagan Washington National Airport?

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I would find objection to the gentleman's amendment, along the same lines that had been offered by the majority to other amendments on this side, that that would be a killer amendment. I would also question whether it would be germane in light of the erudite ruling just elicited from the Chair.

Mr. DAVIS of Virginia. Mr. Chairman, reclaiming my time, it is not a killer amendment from this side of the aisle's point of view. If you do not consider it a killer, we do not consider it a killer amendment. I think it does bring some clarification. I have not had a parliamentary ruling.

I would hope, since there is opposition from the other side, and I am disappointed to hear that, at least in the conference, we could clarify that. If this legislation is going to go through, I think it is very important that we keep the name Washington National Airport as a part of it. To many it is always going to be known as that. You have the DCA designation as it moves through customs and it moves through the baggage checks, and to change those, I think, creates a whole series of problems that were not contemplated by the bill's authors.

I would ask the chairman of the committee if he could assure me in conference if this is an accommodation that could be reached?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to my good friend that after conferring with our leadership, we indeed were prepared to accept the gentleman's amendment. I understand it is precisely the same language that is in the Senate. Therefore, it would be my hope and intention to accept the Senate's version of the language, which would then conform with what the gentleman are attempting to do.

I regret that our colleagues on the other side have indicated their opposition to including the name "Washington" in the name of the airport.

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend, and, with that, I will not call up the amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to simply explain that I think in opposing the proposed but not offered amendment of the gentleman from Virginia (Mr. DAVIS), it would be appropriate to keep faith with the bill that emerged from committee, since the chairman in committee had offered a substitute for the introduced bill, which substitute struck the name "Washington" from the proposed name of the airport to call it Ronald Reagan National Airport instead of Ronald Reagan Washington National Airport. If that was the original purpose of the committee in reporting this bill, we ought to keep faith with it on the floor and let it go its merry way further.

Mr. DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Chairman, I am certain that the chairman of the committee appreciates that kind of loyalty to his amendment.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, it is loyalty of the greatest and deepest felt sort.

Mr. DAVIS of Virginia. With that kind of bipartisan camaraderie, I look forward to working with the gentleman on other issues.

Mr. OBERSTAR. On other issues, indeed, that do not take over local control of airport naming.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hate to prolong this debate, it has been prolonged too long, but there are some things that need to be said about the situation we find ourselves in.

Mr. Chairman, I really feel badly about the fact that this bill is going to be voted on and there will be a lot of red lights up there. I think the purpose of this bill is to honor a great American President, a great American President who is in the evening of his life, and of whom can be said more people are walking free in the world today because he was our leader for two terms. The very phrase "free world" owes much to this man whom we seek to honor, but whom we are trivializing, and whom this great honor for him has become a victim of what really is raw and petty politics.

"Mr. Gorbachev, tear down that wall"; the democratizations of central Europe, the unification of Germany, the dissolution of the Soviet Union, these are cosmic occurrences in our time and in our century that are worthy of recognition.

And, yes, I think the gentleman in whose district the airport belongs has an important role to play, but the airport is a national airport, and Ronald Reagan was a national figure, and I think there is something beyond the parochialism of a district. I say that with respect, but that is how I feel.

This man, Ronald Reagan, gave this country dignity, he gave it hope, he gave it optimism. It was his fervent desire to make this country a city on a

hill, and he did it. He did it. He made us proud of our chief executive, proud of our government, proud of America, and he gave us something to look forward to.

This is simply a small effort to recognize that, and it ought not fall victim to petty politics. If Members deny there are petty politics involved here, I can only say they are fooling themselves, because everybody knows what is the problem here.

But here is a man deserving of the fullest recognition, especially as he is still living, and might in some way learn of what we are doing.

□ 1415

But to put red lights up there is to me demeaning and sad and unfortunate. Let us recognize the man who made America proud.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have enormous respect and deep affection for my good friend from Illinois, the Chairman of the Committee on the Judiciary. We have agreed on so many issues over the years. I just want to make it clear that this is not raw and petty politics. We are not trivializing Ronald Reagan's name or his legacy when we oppose the action proposed.

There was no such suggestion when the Democrats wholeheartedly supported the naming, without a murmur of dissent, of the Ronald Reagan International Trade building in Washington, D.C. That was quite a monument, quite a monument for the President. When it is just a stone's throw from the White House, when it is in the heart of what is known as Federal Triangle, that is quite a monument. People from all nations will come there to discuss trade issues. Significant Federal Government agencies will be housed there. Remembering his legacy as workers and constituents from around the country come into that building. It is quite appropriate.

The issue is not do we honor Ronald Reagan, but do we take a good name off this airport and replace it with another albeit good name, I do not think that is appropriate.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the gentleman had an opportunity not to take the Washington name off of the Washington National Airport, but simply to add to it Ronald Reagan, and the gentleman did not like to do that.

Also, just let me say, the gentleman is quite right. The Reagan building such as it is ought to satisfy people. But we have the George Washington Parkway, we have the Washington Monument, we have the City of Washington, D.C. It would seem to me in the Washington National Airport there would be room for a few more letters acknowledging and honoring President Reagan.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I would argue also that the person who had most to do with National Airport was Franklin Delano Roosevelt, who was present at the groundbreaking, who was the driving force behind the construction of that airport, who laid the cornerstone for this building; who proposed a big ceremony to dedicate the newly completed airport, but who, on recommendation of his Secretary of Commerce and on his own gut instincts, said, as the darkening clouds of war are gathering, it is not a time, an appropriate time to have a celebration, and chose not to.

He was the first President, Franklin Roosevelt, to fly across the Atlantic. He convened the international conference that guides aviation trade agreements today, the Chicago conference in 1944, in which we negotiate trade rights in aviation among all nations of the world. He had more to do with aviation, I submit, than President Reagan did, and more to do with this airport, but never have we suggested, in the words of my good friend, adding a name, which is really changing a name, of an airport to add Franklin D. Roosevelt.

In fact, Franklin Roosevelt wanted for himself only the smallest monument, not larger than the size of a desk, a piece of stone some place in Washington. That is all he ever asked for. He did not ask to have a political billboard greeting people in his name as they came to the Nation's capital. That is what is at stake here.

This name change was not fueled by a popular citizen movement, it springs from the Ronald Reagan Legacy Project, a movement begun by Americans for Tax Reform. It does not spring from the heart of America.

Why do we not designate a piece of ground in the Nation's capital to be a place where an appropriate memorial to the memory and legacy of Ronald Reagan will be erected? I will support that, as we have legacies for other Presidents. We waited 50 years to begin construction of the Washington Monument. We waited 130-some years to begin construction of the Jefferson Memorial. We waited well over 50 years before a memorial was built to Franklin Roosevelt's name. I am not sure that he would have liked that, frankly. As I said already, he wanted something very modest, very, very simple to be remembered by.

So this is not the appropriate way to honor the legacy of Ronald Reagan, and I urge defeat of the bill.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 6 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment, Amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MORAN of Virginia:

Page 3, after line 23, add the following new section:

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that the Secretary of Transportation determines that a referendum proposing the redesignation made by section 1 has been approved by the voters of Arlington County, Virginia.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. SHUSTER. Mr. Chairman, may we have a copy of the amendment?

Mr. MORAN of Virginia. Mr. Chairman, it is at the desk, and it has been printed. It was printed last night. It is Amendment No. 6, requiring a referendum.

The CHAIRMAN. The Clerk is endeavoring to distribute copies of the amendment.

Mr. MORAN of Virginia. Mr. Chairman, it is interesting that a point of order was raised before the chairman knew which amendment it was, but I assure the gentleman it was printed.

Mr. SHUSTER. Mr. Chairman, I would say to my friend, I believe that is the procedure.

Mr. MORAN of Virginia. Mr. Chairman, I assume that this is not taken off my time.

The CHAIRMAN. The gentleman is correct.

The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, I guess I should wait for the Chairman to determine whether he wants to continue to raise a point of order against it, or reserve a point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) reserve a point of order?

Mr. SHUSTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman may wish to exercise that at the appropriate time.

Mr. SHUSTER. I make a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) may continue.

Mr. MORAN of Virginia. Mr. Chairman, as I was saying, I have 2 amendments left that were filed last night. One of them I will not submit. That amendment would have required that the Members of Congress and the Senate and the judiciary would have to pay for their own parking at Washington National Airport and the receipts would then be used to offset the

costs of changing this name. I will not do that.

However, I would like for the Members to consider how my constituents feel when they see Members of Congress getting parking for which they have to pay, for which Members of Congress do not have to pay, getting it closer to the airport than they are able to park. They resent that. However, I do not think that this is the way to address that, and I am perfectly willing to let that go.

I do think that Members of this body should give those constituents who live in the area where this airport is located, in Arlington County, Virginia, the opportunity to be heard on this issue that does affect them directly, and in fact, does cost the small businesses that work at Washington National Airport a substantial amount of money.

So what this amendment would do is to simply allow for a referendum; it would hold in abeyance our decision with regard to the renaming until there is a referendum conducted in Arlington County, Virginia. It would be conducted in November so there would be no additional expense, and we would hear from the local residents. This is consistent with hearing from local people as to how they feel about Federal Government directives. That is all this would do. There would be a public referendum, as there are already a number of referendums in many states, California particularly, and certainly a procedure that the other party has embraced in any number of other cases. That would give us a real sense of how the people most directly affected by this decision feel about it.

Do not take my word for it. Take the word of the majority. I am certainly willing to accept the democratic process. Let us see what the Democratic majority feel about it. Certainly both parties are well represented in this community. Both parties would have every opportunity to make the case. After full consideration, because there was not a public hearing on this issue, after full consideration, they could then vote through the democratic process, but at least let the majority of citizens render a determination whether this is the right thing to do, whether this is the way that they choose to honor Ronald Reagan. I think this is an appropriate amendment. It is the kind of thing that we should do in any number of cases. Before we decide to impose our will from on top, let us listen to the local community. Let us see what the majority want to do, and let us take that into consideration before we make decisions that affect their daily lives.

So, Mr. Chairman, I would offer this amendment, and I would hope it would be accepted by the party in the majority. I would hope that maybe this could even set a precedent for this type of thing where it clearly is contentious, but where I am purporting to represent the majority. Perhaps I do not, and if I do not, then the majority's will is to be respected by this body. It is certainly consistent with President Reagan's philosophy of devolving power down to local government. That is where the rubber should hit the road, that is where the people are most directly affected, and that is where they should have the most influence over the conduct of our decision-making.

So I offer the amendment, and I hope it would be made in order. I hope that there will not be an objection to this common sense amendment that respects local government, respects local communities, respects the democratic process.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) insist upon his point of order?

Mr. SHUSTER. I insist upon my point of order, Mr. Chairman.

I make the point that indeed, this is an airport owned by the national government, not owned by Arlington County. The amendment violates clause 7 of rule XVI of the rules of the House because it is not germane. Clause 7 of rule XVI provides that no motion or proposition on a subject different from that under consideration shall be considered under color of amendment. The amendment adds an additional proposition.

It is not germane because it adds an unrelated condition. The amendment conditions the name change on a referendum by Arlington County voters. We would be imposing a new duty on Arlington County, which does not own the airport. It currently has no such responsibility.

Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Does the gentleman from Virginia (Mr. MORAN) wish to be heard on the point of order?

Mr. MORAN of Virginia. Mr. Chairman, I do not want to delay this any longer out of respect for my colleagues. I think the point has been made. The point has been made on any number of these amendments. I would just hope that we would show respect, both for Ronald Reagan's legacy to respect the wishes of local governments and local communities, whether we agree with them or not, and to respect the democratic process of governance. But I will not say any more than that. I know Members want to get on and vote and dispatch this bill. I obviously object to what it does, both to Ronald Reagan's legacy, what it does to a local community and the way that it tramples upon the democratic process. I think it is an arrogant abuse of power.

The CHAIRMAN. If no other Members seek to be heard on the point of order, the Chair is prepared to rule.

The amendment provides that the effective date of the redesignation would be delayed pending the approval of a referendum by the voters of Arlington County, Virginia.

Clause 7 of rule XVI of the rules of the House requires that an amendment be germane to the proposition to which offered. The germaneness rule allows that an amendment delaying the effectiveness of proposed legislation can be made to depend on a related contingency. The Chair notes a relevant ruling on this principle in the 93rd Congress, an amendment proposing to delay the effectiveness of a bill pending the enactment of other legislation and requiring actions by entities not involved in the administration of the program affected by the bill was held not germane. This precedent is recorded in Deschler's Precedents, volume 11, chapter 28, section 31.7. In addition, the Chair has ruled on at least 2 other occasions that an amendment delaying the effectiveness of a bill pending the enactment of State legislation is not germane. These precedents are recorded on page 628 of the rules of the House Rules and Manual.

The condition the amendment seeks to impose on the redesignation is the approval of a referendum by the voters of Arlington County, Virginia, a local entity not responsible for the administration of the airport. Requiring the approval of an entity not charged with the administration of the airport is not a related condition under existing law. As such, an amendment imposing approval by the voters of Arlington County, Virginia as a contingency on the redesignation of the airport is not germane.

Accordingly, the point of order is sustained.

Are there further amendments to the bill?

□ 1430

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did not engage in a discussion of the point of order that was made on the last amendment, but I do want to rise and acknowledge two points that have been made on this floor, and there are many others.

One, that a President of the United States deserves high honor. The gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, made that very plain in an all-so-eloquent statement; and I agree with that. The President of this Nation, whoever it might be, deserves high honor. That includes former President Ronald Reagan, and particularly the honor is appropriate at the time of the celebration of his birthday.

At the same time, I raise the other perspective; and this is a bipartisan perspective. Members who represent the community in which the entity that is sought to be named, both Democrats and Republicans, in this instance, have raised some concerns that I think

we in the United States Congress need to consider. One, the involvement, if you will, of the community, so that it is one that is embraced by the community.

It seems that the presentation of this legislation, and maybe the lobbyists or the advocates that have pushed this legislation have gone somewhat far afield. In fact, they may have gone further than President Ronald Reagan may have even encouraged.

I do recognize that Republicans backing this legislation want to pay tribute to someone they honor. It is like trees wanting to celebrate sunshine. They view Ronald Reagan as their source of enlightenment. It is not my place to debate that.

However, I think the gentleman from Minnesota (Mr. OBERSTAR), our Ranking Member, and other Members are making valid points. Does this Congress change the names of buildings that are already named? Does Congress name a building in a congressional district against the wishes of the Congressperson of that district? These are questions that I think are extremely important.

Do we want to engage in partisan politics and do we not say to the American people that, in fact, we have a wonderful and beautiful new testament to President Reagan in the new Federal building that is for international trade? He was one who stood tall in international politics, and this building is an appropriate vehicle by which to honor him.

Mr. Chairman, then there is a more salient issue. I believe this debate started some time early afternoon, and my clock tells me it is 2:30, and we may still be continuing.

It is my point, Mr. Chairman, that there are other issues, such as reforming managed care and getting both better health facilities and service for Americans; the Patient Bill of Rights where we can reinforce the opportunities of choice between patient and physician; the availability of accountability for managed care entities; the need for better health in this country. These are issues, I believe, that the American people would much rather see us debate than have us debate something where we really do not even know what the supporters across the country in America might even think of it that support President Reagan or anybody around him. We do not even know those facts.

Here we are raising up something that seems to be divisive that may cause, as the gentleman from Illinois (Mr. HYDE) said, a red light on the board.

I would only offer that it is extremely important that we focus on the business of making America a better place. We need reform in health care. In managed care, in particular, we need reform. The Patient Bill of Rights is extremely important. I am someone who has suffered through that with the loss and passing of my father. I know firsthand what happens when managed care entities do not properly function and serve those who are utilizing its services.

So, Mr. Chairman, I would certainly say, in closing, that we should honor our presidents. We should honor the office. We should honor the responsibility. In this instance, however, I think we do a disservice by not reflecting upon the desires of the community. Bipartisan concerns.

Republicans and Democrats have risen to this floor for local involvement. And, yes, we do not honor the name by bringing forward legislation that does not have a clear point in honoring someone who has served this country as President Reagan has served.

Mr. Chairman, I would ask that we find and respect his name by honoring him with this wonderful Federal building and saying to the American people that we thank him for his leadership and we want to do it in the right way, in a way that can be befitting of this Congress and the American people.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise because several speakers have talked about this being a very partisan issue. I do not really think it is that partisan of an issue, and what I am going to say here is what I said not too long ago at the Committee on Transportation and Infrastructure markup of this legislation.

That is that certainly, from my perspective, I am opposed to the renaming of Washington National Airport for Ronald Reagan. Not because I oppose Ronald Reagan. In fact, there are a few people on this side of the aisle, if any, that supported Ronald Reagan more than I did in the 6 years that I was here while he was President of the United States. In fact, there are some people on the other side of the aisle who were here, and still are here, who probably supported Ronald Reagan less than I did.

I remember back when we were debating the situation on Nicaragua and the President had a piece of legislation in to give military aid to the Contras, and that passed this floor by one vote. Poor Tip O'Neill was the Speaker of the House at that time, and he came very close to having a heart attack when I voted on behalf of President Reagan and the military aid to the Contras. There were numerous other things that I supported the President on.

So I come to this floor today to express to everyone listening that I am not opposed to Ronald Reagan. Ronald Reagan is the only President that I served under that I have asked to have a picture taken of, my wife and I, Rose Marie, in the Oval Office of the White House. That is how enthusiastic I was of Ronald Reagan. I have been a fan of his since I first saw him play George Gipp in "The Knute Rockne Story."

But Ronald Reagan's greatest memorial is not an airport or a building here in Washington or in other States throughout the Union. His real memorial is in, as the gentleman from Illinois (Mr. HYDE) said, in Central Europe, in Eastern Europe, through the former Soviet Union where democracy is starting to grow or in some cases democracy has already bloomed, where the free markets, where capitalism are taking hold.

Someone said earlier that, because of Ronald Reagan, more people on this planet are freer than ever before in the history of the world; and I believe that to be absolutely true. I, myself, would have no problem seeing Ronald Reagan put up on Mount Rushmore. But I do not believe that it is appropriate to rename Washington National Airport after Ronald Reagan, simply because it has a name and there are many other monuments that we can name for former President Reagan.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have thought a good bit about the debate that has occurred both in the committee and in the Committee on Rules and on the floor and also in the Senate about naming the Ronald Reagan National Airport. I have partly reflected, as a former member of the Committee on Transportation and Infrastructure, on how often over the past years when I have been here Republicans, in a good spirit, voted yes to name buildings, to name airports. Because we felt that if there was somebody who was a national leader who had worked hard, even if they had been a partisan figure, that there comes a moment when we band together as Americans and we express it.

I just flew back from a meeting and landed at Kennedy Airport in New York. I did not think anything of it. I happen to serve on the board of the Kennedy Center, and it is totally appropriate.

Yet there has been more noise, more heat. I do not think a single Republican who has served in the House, who is currently serving, can remember the level of opposition, the level of explanation. People who are for it, but. They like President Reagan, but. They think there ought to be something named for him, but.

Yet I have to confess, as I was reading Dinesh D'Souza's brilliant new book on Ronald Reagan which he called "How An Ordinary Man Became An Extraordinary Leader," that it is a real tribute to President Reagan that even today that there is so much passion about who he is. That, in fact, he was such a decisive agent of change that some Members on the other side still

cannot quite accept that he might have something important named for him.

He arrived at a time when we had malaise. We were told there were limits to growth. We were told we had to accept high inflation, high unemployment. It was the American's people's fault that the system was failing. We had price controls on gasoline. People waiting in line routinely to buy gasoline. The Soviet empire was occupying Afghanistan. Taxes were high, take-home pay was low, and the American people felt miserable.

The man who was elected with the highest negatives of any person ever elected president walked into the Oval Office and in his very first act eliminated price controls for gasoline and ended all government bureaucratic controls of gasoline, and within 6 months the price had collapsed because the free market had worked and the gasoline shortage was over.

He announced proudly that we stood for freedom. He described the Soviet Empire as an Evil Empire to the great shock of political elites, and we were told later by Gorbachev it was quite helpful because they always thought it was evil, but it was useful to have somebody verify it.

He said the Berlin Wall should come down, and people thought he was fantasizing. He built up the American military on the grounds that, in the end, the Soviet Empire would account not compete with us. And within 8 years, the Berlin Wall had fallen, the Soviet Empire could not compete with us and, in fact, it is today gone.

It is politically incorrect to say we had won the Cold War, but let us me say unequivocally, Ronald Wilson Reagan led the United States to the cause of freedom and we won the Cold War and there is today no Soviet Empire. And, for that alone, he deserves a historic role.

But he did more. He said lower marginal tax rates, encourage entrepreneurs, create economic growth. We are today in a continuation of the entrepreneurial boom that began with Ronald Reagan and which, with the exception of one brief recession brought about by a tax increase, in fact has been continuous since late 1982.

He said we should be proud about being Americans. He was the proudest of Americans; and, under him, we revived American culture. People came back once again to have the sense not that there were limits to growth, not that there was malaise, not that poverty was inevitable, but instead that our only limits were those of the spirit and the mind, that every American had the right to pursue happiness. And, as President Reagan said so often, "You ain't seen nothing yet." That is the spirit he rekindled.

So a man who in one brief appearance on the world stage defeated the Soviet Empire, reestablished American strength, rekindled the American spirit, revalidated American culture, and launched a 20-year economic boom of entrepreneurial invention I think deserves to be remembered.

Let me say there has been some confusion. Nancy Reagan did not ask for this. She sought, and the President sought, no personal aggrandizement. On the other hand, I think she would be very gratified if the Congress on its own decided this was an appropriate thing. The family has not been out seeking anything. But, on the other hand, they know that their father did great things and they would be, I think, humbly grateful if we were willing to recognize him for that.

□ 1445

Finally, more than any President in my lifetime, President Reagan came close to taming Washington, D.C. It will somehow be very fitting that as people come from overseas to the capital of freedom they will be landing at the Ronald Reagan airport. It will be even more fitting as taxpayers fly in from all over America to demand that we reform the IRS, to demand that we keep a balanced budget, to demand that we lower taxes, to demand that we get government out of their lives that they land at the Ronald Reagan airport.

This is a good proposal. It is a sound proposal. It is one which reflects President Reagan's commitment to history. I hope every Member will put aside partisanship and every Member will put aside pettiness and decide to honor a very great man on this week of his birthday.

AMENDMENT NO. 1 OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Virginia (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 215, not voting 10, as follows:

[Roll No. 4]

AYES—206

Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

NOES—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)

Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Barcia
Becerra
Eshoo
Fattah
Gonzalez
Herger
Leach
Schiff
Torres

□ 1508

Messrs. QUINN, RADANOVICH and TALENT changed their vote from "aye" to "no."

Ms. KILPATRICK, Mr. PASCRELL, Mr. BAESLER, Ms. PELOSI, and Messrs. MCDERMOTT, RAHALL, WEYGAND and HALL of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HANSEN) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport," pursuant to House Resolution 344, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Minnesota opposed to the bill?

Mr. OBERSTAR. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBERSTAR moves to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDING.

Congress finds that Ronald Wilson Reagan was the forty-second President of the United States and is deserving of having a structure that will be seen by many visitors to the Nation's capital named in his honor.

SEC. 2. NAMING OF TERMINAL BUILDING AT WASHINGTON NATIONAL AIRPORT.

The Metropolitan Washington Airports Authority is urged to use its existing authority to name the terminal building that opened in 1997 at Washington National Airport as the "Ronald Wilson Reagan Terminal Building" and that signs and other appropriate designations should be erected to reflect the name of the terminal building.

Amend the title so as to read as follows: "A bill to urge the Metropolitan Washington Airports Authority to name the terminal building that opened in 1997 at Washington National Airport as the 'Ronald Wilson Reagan Terminal Building', and for other purposes.".

□ 1515

Mr. OBERSTAR. Mr. Speaker, I offer my colleagues an opportunity to designate an appropriate memorial to President Ronald Reagan without a single dissenting vote.

As was indicated by the previous vote, there is not complete bipartisan support. There are many on the other side of the aisle who voted crossing their fingers with a little check in their throat. This is not the right way to go about designating an appropriate memorial to the memory of Ronald Reagan.

The motion to recommit that I have offered has precedent. The precedent for the motion I offer is that offered by no less than the Senate Minority Leader in 1990, almost 8 years to the week, Senator Dole, who offered a joint resolution to urge the Washington Metropolitan Airports Authority to use its existing authority to change the name of Washington-Dulles International Airport to Eisenhower International Airport.

Note, Senator Dole rose to urge the Washington Metropolitan Airports Authority to use its authority to change the name of Washington-Dulles to Eisenhower International. He was in the Senate when the legislation was introduced and enacted to create the Metropolitan Washington Airports Authority to rebuild both Dulles and Washington National.

His great wife was the Secretary of Transportation at the time. Senator Dole understood fully the importance of the transfer of authority from the Federal Government to the Airports Authority created by that legislation. He did not presume to rush in and rename National Airport on the sole fiat and power of the United States Congress but rather, as I propose here modestly, to urge the Metropolitan Washington Airports Authority to use its authority to change the name of this airport.

I propose to name the terminal, which does not now bear a name. I am opposed to renaming, I am opposed to taking a good name, anyone's good name, off a building and renaming it. But I do not oppose naming that which does not now bear a name or a title. There is no name. There is no title for the new terminal. That is the greatest contribution of the legislation submitted to the Congress by President Reagan, building of the new terminal and reconstructing Dulles Airport.

I think it is entirely appropriate that we should name the terminal for Ronald Reagan. It does not now bear a name. We will not be doing a disservice to anyone. We will not be creating a precedent for this Congress to come in and name any other airport in the country simply because we have given that airport Federal grant funds from the airport improvement program and thereby arrogate to ourselves the power to rename any airport in America. That is not right.

Naming the terminal would be appropriate. I think that would be a fitting memorial; and if there are other memorials that my colleagues on the Republican side propose to offer and to construct in the name of President Reagan, I will support those. But do not take a good name. My colleagues would not want their good name taken off any structure, any building, or off their own door. Do not take Washington National's good name off that airport.

Mr. Speaker, I yield to my colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for the arguments that have been made today; and I would say, if it matters to any of my colleagues, that I am the Member who represents the area where Washington National Airport is located.

Mr. Speaker, if we were to agree to this recommittal, I daresay it would probably be unanimous. What a fitting

tribute for President Reagan to have a unanimous vote of this body. It would be fully accepted by all the people and the businesses that are located in Northern Virginia. This is a beautiful terminal, millions of dollars. It is state-of-the-art. It has no name now, so there is no need to strip George Washington's name from it.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, because there is only a second left, this is not a killer amendment. We will support and advocate the Airports Authority to name the terminal.

The SPEAKER pro tempore (Mr. HANSEN). Is the gentleman from Pennsylvania opposed to the motion to recommit?

Mr. SHUSTER. I am, Mr. Speaker; and I yield to my good friend the gentleman from Texas (Mr. DELAY), the distinguished Majority Whip.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes, and he yields to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, this motion to recommit is one of the saddest motions I have ever seen. This is, to me, a personal insult to Ronald Reagan. I can understand voting against the bill if my colleagues do not want the airport named after Ronald Reagan. But to say that it is okay to name a terminal after Ronald Reagan is an insult to the name of one of the greatest presidents that has ever served this country, and I hope the Members will understand it that way.

If they want to vote against the bill, vote against it. Or if they want to name this terminal after a congressman, go right ahead.

In Houston, Texas, we named a terminal after Mickey Leland; and he deserved the naming of that terminal. But we named the entire airport after George Bush. And to name it after a terminal is just an insult. I hope our Members will vote no against this motion to recommit.

Mr. SHUSTER. Mr. Speaker, make no mistake about it, this does kill the naming of the airport for Ronald Reagan. President Reagan deserves more than simply to have a terminal bearing his name. Other important people, including presidents of the United States, have airports named after them. The Kennedy Airport is named after President John F. Kennedy, not simply a terminal at the airport.

Mr. Speaker, the airport in Houston, the airport, is named after President Bush, not simply a terminal. Washington-Dulles International Airport, the airport, is named after a former Secretary of State, not simply a terminal. The John Wayne Airport is named after an actor, not simply a terminal. In all of these cases, the entire airport is named for the individual, named after an important person.

President Reagan's legacy is worthy of similar treatment, indeed even greater treatment. I strongly oppose this motion to recommit and urge its rejection.

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 question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 186, nays 237, not voting 8, as follows:

[Roll No. 5]

YEAS—186

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Farr
Fattah
Fazio
Ford
Frank (MA)
Frost
Furse
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
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
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—237

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Filner
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
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
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Becerra
Ehlers
Eshoo
Gonzalez
Herger
Hoyer
Ney
Schiff

□ 1543

Mr. STARK and Mr. HORN changed their vote from "yea" to "nay."

Mr. BARCIA changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 186, not voting 5, as follows:

[Roll No. 6]

YEAS—240

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Etheridge
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Becerra
Eshoo
Gonzalez
Herger
Schiff

□ 1554

Mr. DEUTSCH changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to rename the Washington National Airport located in the District of Columbia and Virginia as the 'Ronald Reagan National Airport'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2625, the bill just passed.

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

There was no objection.

REQUEST FOR IMMEDIATE CONSIDERATION OF S. 1575, RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport," and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. HANSEN). As indicated in the House Rules and in the Manual in section 757, the Chair is constrained by the Speaker's announced guidelines not to entertain such a request in the absence of bipartisan clearance.

Mr. SHUSTER. Mr. Speaker, this has been cleared by the majority on this side. Do I understand the Speaker to say that it has been objected to by the minority?

Mr. MOAKLEY. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The Chair has been advised that the minority will object.

Mr. SHUSTER. I understand the Speaker to announce that the minority will object to this, and I therefore understand and withdraw.

ANNOUNCEMENT OF EMERGENCY MEETING OF COMMITTEE ON RULES

Mr. SOLOMON. Mr. Speaker, because of the objection that was just heard, I would like to make an announcement.

Mr. MOAKLEY. Mr. Speaker, it was not an objection, it was just reserving my right to object. I did not object.

Mr. SOLOMON. Mr. Speaker, if I might continue, I would just like to announce an emergency meeting of the Committee on Rules to consider the Ronald Reagan Washington National Airport bill that just arrived from the

Senate, S. 1575. The Committee on Rules will meet at 4:30, or right after the finish of this rule that is going to be debated in a few minutes. So 4:30, or at the end of the debate on the rule.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2846, PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-143) on the resolution (H. Res. 348) providing for consideration of the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1575. An act to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport".

□ 1600

CONCERNING ATTORNEYS' FEES, COSTS, AND SANCTIONS PAYABLE BY THE WHITE HOUSE HEALTH CARE TASK FORCE

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 345, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 345

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 107) expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and shall not exceed one hour equally divided and controlled by Representative Hayworth of Arizona or his designee and Representative Stark of California or his designee. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The joint resolution shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of germane debate only.

Mr. Speaker, this is as straightforward as it gets when it comes to rules. This is a wide open rule that was voted out of the Committee on Rules last night without dissent or, in fact, really without debate.

The rule provides for 1 hour of general debate, as we have heard, equally divided between the gentleman from Arizona (Mr. HAYWORTH) or his designee and the gentleman from California (Mr. STARK) or his designee.

The rule provides that the Joint Resolution be considered as read and provides for one motion to recommit, with or without instructions, which is of course the guarantee we always provide for the Minority.

It is truly a bipartisan product that should elicit universal support, in my view. I cannot understand that this could in any way be a controversial rule. The only point that could have been of controversy was overcome last night by a brilliant suggestion by the gentleman from Massachusetts (Mr. MOAKLEY), which was accepted unanimously by the full committee to make this as fair and as bipartisan and as open as has ever been done in the recorded history of the Committee on Rules.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS), my colleague, my dear friend, for yielding me the customary half-hour; and I yield myself such time as I may consume.

Mr. Speaker, Congress has just returned from a 3-month recess; and, after all that time, the American people expect something substantive from their representatives. Today, they are not going to get it.

There are a lot of issues that need addressing in this country. As President Clinton said in his State of the Union: This is an opportunity for action. We need to protect Social Security, reduce the size of classrooms, expand Medicare, increase the minimum wage, Mr. Speaker, and a lot more. The list of issues that are important to the American people is very long, it is very diverse, but it does not include the attorneys' fees for the White House Health Care Task Force.

I bet if we walked down the street today, we would not find a single person that would say that the utmost concern on their mind was the fees of the White House task force on health. They would probably say they were more concerned with making a decent living, sending their children to college or affording decent health care.

But this Congress will waste time debating the issue of these fees. It is nearly the first issue we have taken up on this the second day back in session; and I, for one, Mr. Speaker, think there are a lot more important things that we should be doing.

This is a politically driven, partisan resolution which, even if it passes, will do absolutely nothing.

Mr. Speaker, the issue we are debating today is a sense of the Congress resolution. It cannot even become law. In other words, if the House passes it, we will have said, in effect, here is what we think, for what it is worth, and that is it.

Other than expressing an opinion, this bill does nothing. It does not make anyone do anything. It is a politically motivated, partisan attack; and, frankly, as I said, it is a total waste of time.

Instead of this resolution, we should save Social Security. We should help working families afford child care. We should protect people's pensions. We should reform managed care.

So I urge my colleagues to let us get to work on something just a little bit more important than this.

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

Mr. GOSS. Mr. Speaker, I was hoping the distinguished gentleman from Massachusetts (Mr. MOAKLEY) would say that this was a great rule also.

Mr. MOAKLEY. Mr. Speaker, this is a great rule also.

Mr. GOSS. Mr. Speaker, I am pleased to say that we got the rule out with the gentleman's help.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. HAYWORTH), author of the resolution.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding to me for a colloquy. Prior to this rule resolution, the gentleman and I had discussed the following scenario for the advice of Members.

It is this gentleman's hope on this side of the aisle that there would be no amendments for which a recorded vote would be requested. And that if there are no amendments that come to a vote, final passage, not necessarily the rule, which may or may not call for a vote, but after the rule, it would not be our intention to ask for a recorded vote.

I think the gentleman from Arizona (Mr. HAYWORTH) would concur in that, with the understanding that we obviously cannot control our colleagues' actions. But I ask the gentleman if that is his understanding.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I thank the gentleman from California for his comments. No doubt there will be some contentious debate here in the well, but in an effort to maintain the civility and comity of the House and indeed to echo to a certain degree the outlook of the distinguished gentleman from Massachusetts (Mr. MOAKLEY), Ranking Member on the Committee on Rules, I do believe it is important to move forward in this debate in a fairly brief manner to make the points necessary and then move on to others of business and the business of this House.

So, accordingly, recognizing the fact that neither the gentleman from California nor I can control the rights of any other Member of the institution, it would be my intention not to call for a recorded vote, providing that there are no amendments that are insisted upon and that the straightforward nature of this resolution can, indeed, be reflected by a straightforward voice vote of this institution. That would be my view.

Mr. STARK. Mr. Speaker, if the gentleman would continue to yield, I thank the gentleman; and I hope we can conclude. We will have a strenuous debate, and I have a hunch that the gentleman will win on a voice vote. So, anticipating that, I hope Members can make their plans accordingly.

Mr. HAYWORTH. Mr. Speaker, again reclaiming my time, just to clarify for a second to my colleagues in this hall and in this Chamber and to the American people, I would agree with the gentleman from Massachusetts to this degree: We do have many pressing issues.

But where I would part, and indeed I think an important case to make in this rule is the fact that $285,000, while in the Washington scheme of things, certainly as it relates to a proposed $1.7 trillion budget, might not mean much in Washington numbers, but, Mr. Speaker, to the American people and to the taxpayers of this country, it is very important that this House go on record as saying we are here to protect the taxpayers, even for this sum.

Because the very same working families that my colleague from Massachusetts mentions have a right to be protected on this issue. Especially when, in the wake of a district court ruling, it was found that this Health Care Task Force met in secret, devising plans that in the words of the court were reprehensible and fundamentally dishonest, and we should protect the public purse.

That is why I think this is a fair rule and why I welcome the debate on the floor and am happy to reach an accommodation with the Minority to have this House go on record that it is the sense of this Congress that no taxpayer funds should be used.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), my great colleague.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding, and I hope I do not violate the rules and appear to be addressing others when I welcome everyone to the session of the Model U.N. My colleagues remember the Model U.N. That is when all the students with nothing else to do come together and pass resolutions that have no visible effect, or invisible effect, on anybody, anything, anytime, anywhere, anyplace.

Here is what we have got. This is a resolution which is intended to have absolutely no effects whatsoever on anyone. That is because, if it were to have any effect, it would be illegal and unconstitutional.

So what we have here is a Majority with apparently nothing that they feel they want to do and get caught doing. There are things they would like to do, but they understand that the public would not like many of those things. So having been reluctantly forced to end what was the longest recess in a very long time, we have come back to do nothing. The difference between the recess we were on and the sessions that we are now having is not visible to the naked eye.

Thus, we get this resolution, and it is the Model U.N. It is a resolution, we should stress, which has absolutely nothing to do with anything.

The gentleman from Arizona said $285,000 is real money. Well, it is real money, but this is play money. This is Monopoly money. Because whether we pass this resolution, defeat this resolution, burn this resolution, make it into 11 paper airplanes and fly it around the room, it has nothing to do with the $285,000. It is not intended to. They did not try to. They know how to draft a binding resolution when they want to, and they did not.

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I just simply want to ask my colleague from Massachusetts, and always am very interested in his observations, has he ever in the past voted for a sense of Congress resolution?

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, have I? I do not remember. I do not remember whether or not I have voted for a sense of Congress resolution.

Mr. HAYWORTH. That is an interesting response.

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman asked a question, and I am telling him that I do not remember, because they are often of such little significance that they do not register.

I will say this, though. I will say to the gentleman that I now recollect I have in the past voted for senses of Congress' resolutions, but I have never claimed that any of them saved anybody any money. I have never said that, having expressed my opinion, I saved anybody $285,000.

And, by the way, if we wanted to save money, and I agree $285,000 is a lot of money for lawyers, I do not know how many hundreds of thousands of dollars we paid the lawyers for the House Oversight Committee to tell us today that the gentlewoman from California (Ms. SÁNCHEZ) won the election that we knew she won in November 1996. I daresay that the amount of legal fees that will have been paid to lawyers over the past year-plus that people have been harassing the gentlewoman from California——

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. Mr. Speaker, not yet. I think the gentleman from Arizona needs time to assimilate the first answer. It does not seem to me that he has gotten it yet. But I will get back to him when he has more time.

Mr. Speaker, I want to point out that $285,000 is a very small amount of money compared to the much larger sum that the Majority has spent; and they are now going to come forward with a resolution telling us that the gentlewoman from California (Ms. SÁNCHEZ) can be a Member of Congress. Some of us knew that hundreds of thousands of dollars ago.

Mr. Speaker, now I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague for yielding.

Actually, I believe I understood what he said a little bit earlier. I just want to make sure.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I would ask the gentleman if I could have a couple more minutes, because they are not doing anything with it.

Mr. MOAKLEY. Mr. Speaker, I yield the gentleman 4 more days.

Mr. FRANK of Massachusetts. Excuse me, I would say that is not a yield, that is a sentence.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank the gracious gentleman for yielding to me.

Basically, essentially what the gentleman is telling us is that, when it comes to this, in the words of another prominent member of the gentleman's party, there is no controlling legal authority? Is what the gentleman is trying to get across?

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, what I am trying to say is that not being able to think of anything to say himself, borrowing a wholly irrelevant comment from the Vice President does not seem to me to advance the gentleman's argument.

Because the argument is one, the gentleman from Arizona is simply wrong when he claims that this has anything to do with saving $285,000. It does not. It does not save a nickel.

A judge ordered that the money be paid. Now, the Majority wants to make some political hay. They know better than to actually defy the judge's order. They have not offered a resolution to defy the judge's order. So what they tell us is a resolution which it is the sense of Congress that the judge's order ought to be defied, knowing full well that no one is going to defy it.

□ 1615

They claim in this that they are going to be saving some money. In fact the only impact this debate will have on the Treasury is the extra few thousand dollars it will cost us to print this silly debate.

I thank the gentleman from Massachusetts for yielding me the time.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, is the gentleman for or against the rule?

Mr. FRANK of Massachusetts. I am against the rule because if we defeated the rule, we would save time, not vote on the useless resolution, and be a few thousand bucks ahead.

Mr. GOSS. If the gentleman would perhaps like to get rid of the Committee on Rules, if saving time is the final goal.

Mr. FRANK of Massachusetts. Mr. Speaker, would it be in order to get unanimous consent to abolish the Committee on Rules?

Mr. GOSS. Mr. Speaker, I think we have established the gentleman's views.

Mr. FRANK of Massachusetts. Let me say to Members who may think that this is not at a high level, that is where we started. This is about nothing. This is a political game. This is the Model U.N., about nothing. It is wasting time and money.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, do I understand, is this kind of like the vote that we had after we voted for the pay raise that went into effect and we had another vote disallowing the pay raise? Is that something on the same order that we did then?

Mr. FRANK of Massachusetts. Mr. Speaker, is there any coincidence to the fact that the gentleman is not running again that he brings up the pay raise?

Mr. HEFNER. Mr. Speaker, if the gentleman will continue to yield, I do not know the procedures too well. I have only been here 20 some years. I am a slow learner. In the case this did pass, would it to go conference with the Senate, and would the President sign this, or is this just about making us feel good?

Mr. FRANK of Massachusetts. Mr. Speaker, I would say to my friend, the beauty of this resolution from this standpoint is none of this makes any sense. This is pure for show.

The reference to $285,000 baffles me. If it was intended to suggest that this is going to save the $285,000, it is not written to. It is simply written to try and take some political shots and let the gentleman from Arizona mention a comment from the Vice President, although he could have done that in 1-minute. I guess he used up his 1-minute today and wanted to have a second 1-minute. So we may have more of this political activity, but it is all a total waste of time.

I thank the gentleman from Massachusetts for yielding me the time.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I rise in support of this resolution. The debate, as indicated by the gentleman from Massachusetts earlier, has been very lively and very engaging here. One only has to read the decision of the Federal judge in this, the scathing comments that the judge made, not just about the White House and Mr. Magaziner, but also about the Justice Department and the way this was handled, to know that there was a complete failure on the part of all parties in this to handle this appropriately. And so it is quite appropriate, I think, that we have a resolution expressing the sense of Congress that taxpayers should not be footing the bill for the legal fees here and that the individuals involved should be doing so.

But I rise for another reason; that is that I, in my responsibility as the chairman of the subcommittee of appropriations that funds the Executive Office of the President, I can assure my colleagues that we intend to take a very close look at this issue; that indeed if there is an intention of the White House to pay for this out of the Justice Department funds that is reserved for this, there should be, I think, an appropriate reduction in the amount of funding that goes to the White House, to the Executive Office. And we will look for the appropriate account to make sure it is as closely related to the specific thing, to this issue that is involved, to see that we should say that no, if indeed you are going to pay for it that way and not pay for it as it should be, out of your funds, that indeed there would be a concomitant reduction in spending for the White House for this kind of thing.

I think it is very clear that what we heard in the judge's comments, and again I would urge all my colleagues to read the judge's decision in this case, it is absolutely unremittingly scathing in the comments that it makes about the conduct, the conduct of the White House, the conduct of the Justice Department in the handling of this. There is no excuse for the way this was done. There is no excuse essentially for the dissembling that was done on the part of the White House, that was told to people, to the judge. The judge points out that there is no excuse for this. There could be no other explanation for it except that there was dissembling going on. There was an attempt by the Justice Department not to look into that and to allow this to happen.

I think it is quite appropriate that at the appropriations level that we should take action that would assure that in the future this kind of conduct does not occur. And so I can only say to my colleagues that indeed this may be about nothing, that indeed this resolution cannot assure that it will be paid from private sources as it should be, but I can tell my colleagues that this will help send a signal to the Committee on Appropriations and to the subcommittee that we should look for ways in which to make sure that there is a reduction in the spending elsewhere by the White House to offset this, if indeed they pay it out of what has been the normal standard, through the Justice Department fund that is set aside for this.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I ask the gentleman from Arizona, who is on the Committee on Appropriations, while this may not come before his subcommittee, is he aware of other times when we have appropriated money to pay legal fees for officers or employees

of the executive branch of the government in cases like this?

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, in this case there is a specific fund that is set aside when there are legal fees for this. But never have I experienced a judge that has written such a scathing remark.

Mr. STARK. But has the Committee on Appropriations ever appropriated any money?

There is a case where the Committee on Appropriations appropriated $430,000 to pay for the White House travel office. How does that differ in a sense technically from the money the gentleman is talking about spending?

Mr. KOLBE. Mr. Speaker, if the gentleman will continue to yield, I would say that it differs like night and day. In the first case, that of Travelgate, you are talking about individuals who were victimized by the White House, who were fired and victimized and had to try to recover their good names. And I think it was appropriate that the government pay for their being victimized. We are talking here about an individual who victimized the American public and the judge said so.

Mr. STARK. Mr. Speaker, what about the two Secret Service agents? There were two Secret Service agents who were investigated for the accuracy of their testimony over White House FBI files. They were not victimized, I do not think. And the Committee on Appropriations voted to pay their legal defense fees. How does that differ?

Mr. KOLBE. Mr. Speaker, I would say that each of these cases so far that the gentleman has raised substantiate what I am suggesting. Yes, the two Secret Service agents, and I am very aware of that because the subcommittee funds both the White House and the Secret Service, were indeed victimized in this case. They were unfairly called to task by the inspector general of the Treasury Department who is no longer there, and of course they were completely cleared by this.

Again, the good employees of the Federal Government should not be held responsible for when they are made victims of the bureaucracy or victims of political appointees. But we are not talking about that in the case of Mr. Magaziner.

Mr. STARK. Mr. Speaker, one of the people who was sued was investigated by the U.S. Attorney and had to spend some money to defend himself against the U.S. Attorney's investigation, and the U.S. Attorney subsequently decided that the case was not prosecutable or was not worth prosecuting. This was Mr. Magaziner. So the U.S. Attorney investigated him and said they were not going to prosecute him. Would that not be the same?

As the gentleman well knows, Mr. Magaziner and I have had vast differences over the years, and I would hate to have this turned around that I am here defending him, but I wonder if perhaps there is someone that feels more strongly about Mr. Magaziner than they might have about Mr. Dale of the travel office and whether we are kind of picking and choosing. That is my concern.

Mr. KOLBE. Mr. Speaker, I think the thread that runs through all of these is consistent and the same in that I think in this case we are saying that the people who committed what I think is the wrong in this case of the dissembling that was going on should indeed pay the legal costs for those who tried to bring this case to light, I think appropriately so.

Mr. STARK. Mr. Speaker, I thank the gentleman.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I really believe that this again is wrong-headed and wrong-directed, and frankly this is a silly rule.

Let me applaud the White House health task force and applaud it for several reasons. One, that task force raised to a national debate the question of the right kind of health care for Americans. If there is anything that we hear our constituents talk about, it is lack of access to health care and good health care.

Just coming in from the Rayburn Room discussing with constituents who work with home health care agencies, the type of agencies that I have been familiar with or had familiarity with through the illness of my father, to come to find out that these agencies are being required to get $50,000 bonds, which they do not disagree with but they cannot get the bonds, and so people who are home-bound are not getting health care; that individuals who require home visits once a month to take blood tests are now cutting those services.

These are the kinds of issues that we should be discussing: greater accessibility to patient care with respect to choice of physicians, making sure that individuals can be enrolled under these managed care programs, separating out the dollar from the care, making sure that the dollar is not the only thing that is considered when we have to take care of people in their times of illness.

This is a silly, silly rule and we should really be applauding the fact that the White House health care task force under the leadership of Hillary Clinton allowed us to think about what kind of health services we want, what kind of health system, whether we wanted to have a system that was similar to the one in Canada, whether we wanted to have universal access, whether we wanted to have a combined. No, we did not resolve it, but we did discuss it, and we realize that there are problems with the system we have now. Those individuals who worked on this worked in good faith.

Frankly, I think that we do well to spend more time dealing with the patient bill of rights than wasting the people's time dealing with such silliness about who is paying what and not allowing us to focus on these very important issues. I would hope that my colleagues would listen.

Mr. MOAKLEY. Mr. Speaker, may I inquire of the Chair how much time remains?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Massachusetts (Mr. MOAKLEY) has 16 minutes remaining, and the gentleman from Florida (Mr. GOSS) has 22 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. GEKAS).

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

I was surprised to hear the gentleman from Massachusetts say that this is not important. Social Security is important. Violation of the law is not important enough to take up the time of the House, not even in a sense of the Congress resolution. Social Security is important, but public officials violating the law, that is not important. Do not waste time, allow people to trivialize it. Allow people to mock it. Allow people to get great amusement out of the fact that we are discussing a very serious problem of people in high official places in the government violating the law. The courts found that Mr. Magaziner and the people with whom he was associated in this gigantic health plan fiasco that was occurring in 1993 violated the law.

Clean air is important, and Social Security is important, and child care is important, and health care is important and violation of the law is important. The gentleman from Massachusetts is falling into the pattern of taking what might appear to be a violation of the law and then trying to mask all of that by saying there are more important things to do. Well, now is the time here in this place to discuss whether or not it was proper for these people in this public officialdom that they were in to violate the law. I say that is important to discuss.

The Federal Advisory Committee Act is one in which it says, when advisory committees, like the one that Magaziner formed with the First Lady, had to comply with the law, full sunshine, they did not.

□ 1630

And they were then chastised by the court and these sanctions, these penalties were inflicted by the court.

That is not as important as Social Security, says the gentleman from

Massachusetts. We should not waste a moment on the violation of the law that occurred here. And he may be right, but there is a time and a place to discuss why public officials flaunt the law.

There is a larger question here that comes to play, and that is the role of our administrative agencies and how sometimes they try to find ways and means to get around the law. I remember one in my own Subcommittee on Commercial and Administrative Law, where the agency involved could not find that enough dollars were involved to be able to be in a position to notify a small business that it was being affected by an adverse regulation. But we found that there were enough dollars involved.

And so it goes on. Acts like this within the agencies are the ones that ruin the confidence of the people in their high officials in Washington. That is why it is important. I am for Social Security as much as the gentleman from Massachusetts, and he should be as much in concert with me in condemning violations of the law that seem to mask government actions.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that I do not know what script it was the gentleman was reading from, but this is not about violating law. This is a sense of the House resolution that has no power. If the gentleman really felt as strong as he says, why does he not get the proper piece of legislation before the House.

This is the payment of legal fees and who is responsible. It is not about violating the law.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I will treat the gentleman just as he treated me.

Mr. GEKAS. The gentleman is going to treat me with a smile?

Mr. MOAKLEY. I will treat the gentleman with a smile.

Mr. GEKAS. I treated the gentleman with a smile.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I must say that I was shocked that the gentlewoman from Texas would refer to this rule as being silly. What we are talking about here is ethics in government, really. And if there were a way that we could do more than simply pass a resolution of the sense of the Congress, I think we should do so.

We have an obligation and a responsibility to inform the American people about what is taking place in the executive branch of the government, and I would like to take just a few moments to run over a little bit of this.

President Clinton created the Task Force on National Health Care Reform on January 25th, 1993, five days after he took office for his first term. The panel conducted its work in secret. The very next month the American Council for Health Care Reform, the National Legal and Policy Center, a foundation that promotes ethics in government, and the Association of American Physicians and Surgeons filed suit against First Lady Hillary Clinton, Ira Magaziner and others to gain access to the documents and records of the secret meetings of the President's health care task force.

Ira Magaziner went to court and testified in Federal Court, in March, that all members of the task force and its staff working groups were Federal employees and, as a result, they did not have to hold open meetings or divulge their working papers. Then, after an analysis of the evidence by Federal Judge Lamberth, he ruled that the working group formed by the First Lady and Mr. Magaziner violated Federal law and ordered that a penalty of $285,000 be paid to the plaintiffs as reimbursements for legal fees that they used to expose the fact that the White House task force violated Federal law.

Throughout the State of the Union address, President Clinton stressed the importance of personal responsibility. We talk to our children all the time about personal responsibility, and we know that personal responsibility is the anchor of a free society. So why should the taxpayers of America pay a $285,000 fine for something for which they were not responsible? Ira Magaziner and the First Lady were responsible for the violation of Federal law. Why do they not pay the fine? They are responsible.

Now, I just want to take a few minutes more to talk about what Judge Lamberth has said in his decision and in the newspapers about this issue. He was quoted as saying, "I am convinced that Ira Magaziner, Clinton's health care adviser, deliberately misled the court with his sworn statement." He went on to say that he ". . . believes Magaziner and the government's lawyers made intentionally misleading statements." And then Judge Lamberth went on to say, and he bluntly denounced the White House and the Justice Department for what he called ". . . dishonest and reprehensible failures to provide accurate information."

This is another example of a pattern of misconduct by this administration. So why should taxpayers pay a fine that they had nothing to do with? Judge Lamberth said that the White House, the task force, violated the Federal law; that they misled the court; that they would be paying the $285,000 fine that now the taxpayers are going to pay.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I would like to concur in what the gentleman is saying. I have some other language. The court found that "The declaration Mr. Magaziner made was false." It was, "The most outrageous conduct by the government in this case is what happened when it never corrected or updated the Magaziner declaration." I mean it was wrong. He did say, however, that the government did take action that amounted to what the court referred to as a total capitulation.

So I do not think that is an issue with which we would debate with the gentleman. Magaziner either lied, misrepresented, or did not know what he was talking about. I would further go on to say I have not much faith in the gentleman's ability to get anything straight. So whether he made it up or whether he was just wrong, it is the same old Ira Magaziner. No quarrel from me.

I do not feel that way, I might add for the record, about Mrs. Clinton, with whom I worked closely, as well as Mr. Magaziner, during all of that.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I was not allowed into those sessions and felt badly about that. What I am suggesting is that the issue was that subsequent to all of this the people who brought the original lawsuit, mostly asking for an injunction to stop it, that is what they started out asking for. And then, many years later, they came back to ask to get their legal fees back. So they were awarded legal fees; not a fine. Nobody was convicted.

As a matter of fact, Ira was investigated by the U.S. Attorney, who found that he did nothing that would have warranted his being indicted. Now, that is where we are, and I believe those are the facts. And I do not know as we have to go on. He was wrong. The government admitted it. I do not know whether he ever admitted it. The people who brought the case were awarded legal fees that the government is obligated to pay because, under the law, nobody else can pay it. Now, that is where we are tonight.

I would be perfectly willing to figure out how to prevent that. This resolution does not do it. So what I am suggesting is we may have more accord here than the gentleman thinks.

Mr. GOSS. May I inquire of the Speaker how the time divides at this point?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. Goss) has 14 minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 14½ minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, there is nothing wrong with this rule, but I am against this resolution and I am

particularly grateful to my good friend, the gentleman from Florida, for yielding to me knowing that I must disagree with my dear friend from Arizona (Mr. HAYWORTH). Occasionally I can be wrong, frequently I can be wrong, but I think I am right on this occasion.

The reason why the resolution is wrong is the Equal Access to Justice Act says that one can get attorneys' fees from the government, and it only says that one can get attorneys' fees from the government. So if the effect of this resolution were law, and it is not, but if it were law, it would cut off the plaintiffs from getting any attorneys' fees.

And I think the whole purpose of the argument on the side of the gentleman from Arizona is that these plaintiffs should get their attorneys' fees. So there is a problem with this resolution if it were binding.

Secondly, and perhaps even more important, suppose we were to amend the law and say that one can go after individuals for attorneys' fees. That is not the purpose or effect of this resolution. But if it were then I would have a separate problem, which would stem from the fact that the judge in this case held that the culpable behavior that caused the attorneys' fees to be owed was by the government attorneys after the filing of the inaccurate affidavit by Mr. Magaziner. It was not because of Mr. Magaziner's activities. Although I completely agree that the judge characterized Mr. Magaziner's activities pejoratively in the extreme, it was because of the action of the attorneys afterwards that he awarded attorney's fees to the plaintiffs.

And here is what the judge said, page nine of his opinion. "But the most outrageous conduct by the government in this case is what happened when it never corrected or up-dated [sic] the Magaziner declaration. That was a determination not made individually by Mr. Magaziner, but by the government through its counsel."

The difficulty, thus, if we were to apply the law, changed as the movers of this resolution would wish, so that plaintiff's could obtain their attorney's fees somewhere, it would have to be from the attorneys who acted after Mr. Magaziner did. And I have a serious problem with asking government employees, Federal Government employees working on a general schedule salary, to bear the risk of paying attorneys' fees. I just do not think that is right. If, however, they deserve to be sanctioned by the court, that is fine. That would be under the court's jurisdiction. But under the Equal Access to Justice Act, it is the government that is responsible, not the individual government employees.

While I do not like the idea of taxpayers paying money any more than my colleagues supporting this resolution do, there comes a time when wrongdoing happens. And sometimes it is done by the executive branch and we in the legislative branch have nothing to do with it.

My classic example is where there is a taking of property by the Federal Government and there is no compensation paid. That is terrible. It violates the Constitution. And at the end of the fiscal year we have to pay for it. We, the taxpayers, have to pay for it, even though I did not do it, nobody in the legislative branch did it, nobody in the Congress did it. It is still the burden of the taxpayer because the government did it.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

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

The last two points I wanted to say were, if we read the judge's opinion with care, time after time he emphasizes the wrongdoing of "the government." That is why the government is obliged to pay the fees. At page five, "While the evidence need not include proof beyond a reasonable doubt, the court finds clear and convincing evidence that sanctions should be imposed because of the government's misconduct in this case." Not Ira Magaziner and Mrs. Hillary Rodham Clinton.

At page 18:

"This whole dishonest explanation was provided to this court in the Magaziner declaration on March 3, 1993, and this court holds that such dishonesty is sanctionable and was not good faith dealing with the court or plaintiffs' counsel. It was not timely corrected or supplemented, and this type of conduct is reprehensible, and the government must be held accountable for it.

And lastly, at page 3, "The defendants thereafter, produced a great deal of information, but they still took no steps to correct Mr. Magaziner's sworn declaration that all working group members were federal employees." The defendants who failed to take the steps to correct the Magaziner declaration were at fault.

Lastly, what about Mr. Magaziner? The answer is very clear. Other sanctions were possible for Mr. Magaziner. Indeed, the court said, and I'm quoting from Judge Lamberth, "The court, however, indicated the question of whether Mr. Magaziner should be held in criminal contempt of court for possible perjury and/or making a false statement when he signed the sworn declaration to this court on March 3, 1993, should be investigated by the United States Attorney for the District of Columbia."

The reason why I took to the floor to make this point is much broader than just this issue. We have to be very careful about assessing attorneys' fees against employees of the Federal Government for work they are assigned to do, up until the point when the Federal trial judge intends to sanction them.

□ 1645

Under the Equal Access to Justice Act, it is a terrible mistake to stick Federal employees with that obligation. But if we were to go after Mrs. Clinton, as a private party, we then have the question, who would ever serve on a Federal advisory committee? Who would put themselves forward knowing that that liability would be potentially there?

So, with a very heavy heart but with much admiration for the integrity and the fervor that my colleague, the gentleman from Arizona (Mr. HAYWORTH), brings to this issue, I must urge my colleagues to vote no on the resolution in chief. But I repeat, as I began, I have no objection to the rule.

Mr. GOSS. Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL) for reminding us that this is a debate about this good rule, and I am relieved to hear that he has no objection to it. I was hoping, actually, for an endorsement for the rule. But since I did not get that, I yield 4 minutes to the distinguished gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. I thank the gentleman for yielding.

Mr. Speaker, I have been working on this particular matter for 5 years as a member of the subcommittee that handles the White House appropriations; and we are here because there is a question about does Congress care when an official at the highest levels of the White House lies under oath in a civil proceeding and it costs the taxpayers a ton of money.

Mr. Magaziner, a senior adviser to the President of the United States, according to the orders issued by the Federal judge, clearly, unquestionably lied, trying to keep information secret about this White House task force that was trying to remake one-sixth of the American economy in private confidential meetings, not letting us know even who the members were.

Ultimately, when they were able to look beyond Mr. Magaziner's affidavit, they found that, instead of everybody being a Federal employee and, therefore, no Federal money going to private individuals in this endeavor, they found there were hundreds, hundreds, of people working directly with Mr. Magaziner who were not Federal employees at all. Mr. Magaziner should have been fired.

The President of the United States should care if people at the White House are truthful to our courts. He does not seem to care. Therefore, Congress is saying, do we think the burden ought to fall upon the people who cause the problem or upon the taxpayers generally?

Now why have an initial resolution such as this? Well, it is the first step.

Maybe in the appropriations process we should say Mr. Magaziner and everyone else who was involved in the deceit of the court should not be paid anything more than, say, the minimum wage if the President is going to keep them on the payroll.

One of the other presidential assistants, Patsy Thomasson, lied to our subcommittee about the makeup of this organization when we directly questioned her, lied under oath to the court, lied to Congress, lied to the newspapers, all of these people involved with deceit.

Now the President of the United States, we read in today's papers, is looking at raising millions of dollars of private money for his personal legal defense funds, unlimited amounts from different individuals. If the President cares about proving the truth to the American people, let the President come forward and say, we will make sure that while we are raising these millions of dollars for legal fees we will raise another $285,000 to pay the plaintiffs who brought this action. Would that not be a nice refreshing approach for the President to take?

Because it was the White House that was involved in lying under oath, and it was the Justice Department that permitted it. And then the Justice Department investigated itself as to whether or not perjury charges would be brought.

Read the court decision. Officials in the Justice Department, officials in the White House were intimately involved in this.

The court said there might be a problem prosecuting it because one of the White House lawyers involved, Vince Foster, is now dead and one of the Justice Department lawyers involved, Webb Hubbell, has been convicted of felony since then.

Well, it does not matter that the taxpayers still have this bill and these people still are on the public payroll who the court found do not care to tell the truth under oath.

This is the first step in a process of this Congress, Mr. Speaker, where we will find out which Members think that it is important to honor the principle of truth in testimony to our courts and, yes, to say that principle applies to the White House and everyone there, as well as to the rest of us.

I urge adoption of the rule and of the underlying resolution.

Mr. GOSS. Mr. Speaker, I am happy to advise my colleague and friend from the Commonwealth of Massachusetts that all that remains on this side, as far as I know at this time, are some illuminating closing remarks.

Mr. MOAKLEY. Mr. Speaker, at this time, I would like to congratulate my dear friend from Florida for bringing forth an open rule which I am very happy with; and I will tell him I will vote for the rule.

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

Mr. GOSS. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, I will try and be brief. I have got about 2 minutes' worth of summation here.

I realize that when we talk about the rule in this hour set aside for the rule sometime some of the technical aspects seem to get lost in some of the other material that comes forward. I would like to refocus that this is actually the right rule and I believe it deserves all of my colleagues' support, no matter what their feeling is on the subject matter.

To describe this as a silly rule, especially by the gentlewoman from Texas, who is a regular attendee at the Committee on Rules meetings and knows how hard we work up there, is indeed disappointing. I do not think this is silly at all. And, frankly, I think the substance is silly. I think it is troubling.

We have got an underlying resolution here that actually brings forward an important question to the American taxpayer, and it is simply this: Should the taxpayer be held liable for what in this case a judge has determined to be dishonest conduct of high-ranking Government officials and lawyers? And I am not going to specify any. Should hard-working Americans be made to pay penalties of those at the White House who have been caught up in what the judge determined was a cover-up? That is what is being posed here in the resolution. Granted, it is the sense of Congress.

I believe most Americans would say no to those questions. They would simply say, pay your own penalties. Stop the shenanigans, and do not expect us to pay for these things. The resolution to that question is what we are discussing today. But, obviously, a sense of Congress is not going to resolve the matter.

I think there is an important point here. The President himself said it in this very Chamber not too long ago in the State of the Union address. We should all be accountable. Accountability is really what this is all about. Straightforwardness and accountability are really two of the basic precepts that we have in our Democratic governance.

Occasionally, these things seem to be the first ones thrown overboard when there is a squall in the area; and sometimes we rue the fact that the truth, the whole truth, and nothing but the truth are on the casualty list inside the Beltway. The information seems to surface in bits and pieces, and people are left with less than a clear and timely disclosure of facts that they are entitled to know about.

So the specific misdeed that we are addressing here today took root early in the Clinton administration, as I understand it; and in an effort to avoid, what I think was a wrong effort to avoid, candid public debate on the merits of a health care proposal which involved universalizing or nationalizing our health care system, the White House did, in fact, hold secretive closed-door sessions, which is, in my view, completely contrary to the spirit and the intent of the Federal Advisory Committee Act, which calls for sunshine.

They had something to hide, as it turns out. It turned out to be an ill-conceived health care scheme that they were trying to sell to the United States of America.

The idea I think of that scheme was that Washington, not your own doctor, knows what is best in terms of our own health care; and when the sunshine finally shone on that proposal, the American people saw it for what it was, and it fell of its own weight, and it was soundly rejected.

But to compound to this circumstance, and here is what I think why it is a real problem and why this is serious business and we are taking it up today, is that White House officials and White House lawyers, at someone's direction, stonewalled efforts by the judiciary branch to determine the makeup and content of these health care advisory meetings. There was something wrong there.

In fact, the administration produced a statement to the court that was, to use the court's words, the judge's words, "simply dishonest." We cannot ignore that the judge called it a cover-up at the highest levels of government and ordered over $285,000, $285,000, in sanctions and penalties costs.

These are not words and actions of some alleged radical right wing group. This is the court. These are the conclusions of the sister, co-equal group of government, the judiciary, doing its job. The White House was, quote, simply dishonest, acting in bad faith. So said the judge. We cannot ignore that.

Now that the facts are in and the sanctions have been levied, the White House's guile on this I think is matched by arrogance, which I frankly do not like. They got caught. The judge said they acted dishonestly. And now they are saying to the American taxpayers the equivalent of, tough luck, you have got to pay the penalty.

Now we have heard some of the legal reasons from our distinguished colleague and jurist from California, and I suggest the American people are more interested in justice than they are in the legalese of lawyers.

I would like to submit for the RECORD the letter of December 29, 1997, from the Deputy Chief of Staff of the White House to the Honorable BILL ARCHER, Chairman of the Committee on Ways and Means, saying that the White House will rely on the taxpayers paying this fine, paying these sanctions.

Because I think that is wrong. I think this is running and hiding behind a piece of legislation that is not appropriate at this point and that is not acceptable, either, to the Americans. American taxpayers, in my view, should not have to pay for White House misdeeds.

THE WHITE HOUSE,
Washington, December 29, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: I am writing in response to your December 27, 1997 letter to the President concerning Judge Royce Lamberth's ruling regarding the American Association of Physicians and Surgeons' claim for legal fees related to the Health Care Task Force litigation.

The Department of Justice is still reviewing whether to appeal Judge Lamberth's ruling. Nevertheless, the President is confident that Mr. Magaziner acted appropriately in this matter. The facts as well as the findings by the U.S. Attorney's Office in its 1995 investigation of Mr. Magaziner's conduct in this matter support this conclusion. In particular, the U.S. Attorney's Office determined that "there is no basis to conclude that Mr. Magaziner committed a criminal offense in this matter. There is no significant evidence that his declaration was false, much less that it was willfully and intentionally so." Moreover, Mr. Magaziner acted upon the advice and guidance of government lawyers.

As the President has stated, Mr. Magaziner is and will remain a valued member of this Administration. He is a hardworking and dedicated public servant.

Judge Lamberth awarded fees pursuant to the Equal Access to Justice Act. Should his ruling stand, the fees will be paid in the normal course, using appropriate government funds.

Sincerely,

JOHN PODESTA,
Deputy Chief of Staff.

Mr. Speaker, the underlying resolution is not binding. We said that. We are not forcing the administration to do anything today. We are not trying to point fingers at individuals, at least I am not. But we are sending a clear message to constituents across the country that Government officials and lawyers must be held accountable for their actions. We are asking for accountability.

There is no reason why hard-working Americans should pay through taxes almost $300,000 in sanctions levied against the Clinton White House. Somehow I think those taxpayers have got better use for that money.

When there are ethical breaches of the White House, especially this White House that pledged to be the most ethical of all White Houses, the fault lies there. I think they should accept the responsibility and pay these sanctions, and I do not think the American people should be asked to do this.

I applaud my friend, the gentleman from Arizona (Mr. HAYWORTH), for bringing this issue forward. I urge my colleagues to consider the American taxpayers when they vote and to consider the underlying need for accountability and what that means for the credibility of governance in this democracy, which is, after all, the foremost democracy in the world.

Mr. Speaker, I yield back the balance of my time; and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 345 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, H.J. Res. 107.

□ 1658

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 107) expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds, with Mr. LATOURETTE in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from California (Mr. STARK) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what this committee is preparing to deal with is a very serious matter that goes to the heart of our constitutional republic; and it is this: that, Mr. Chairman, fundamentally there has been a breach of trust emanating from the executive branch of this administration with the citizens of this constitutional Republic.

□ 1700

It has been reflected in what a U.S. District Court judge calls a dishonest way by those who have led the so-called Health Care Task Force in the executive branch of government.

It is clear what has transpired: In a debate on national health care, rather than involving the American people, rather than involving many Members of this institution, as has been pointed out by my colleague from California, those at the White House, specifically Mr. Ira Magaziner, strove to shut off public scrutiny, strove to make secret the deliberations of this so-called Health Care Task Force, to come up with a Rube Goldbergesque plan to socialize our Nation's health care that eventually collapsed of its own weight, because it fundamentally denied the American people what is so vital within our Republic, and that is the concept of choice.

But above and beyond that, legal action was taken when a group of doctors went to court to say this is fundamentally wrong. It violates Federal law. And, as has been pointed out in the rules debate, Mr. Magaziner and other officials of the Health Care Task Force testified in front of Congress that this was only made up of Federal employees, that no one else was involved, and, therefore, no names need be submitted for the record as commensurate with public law.

That was wrong. Accordingly, the courts ruled that was dishonest. And here we come to the fundamental breach of trust, and it is this: That in handing down his decision, Judge Lamberth said that there would be attorneys' fees that would be owed.

Now, I appreciated in the rules debate the legal nuances offered by my colleague from California (Mr. CAMPBELL). But let me simply restate what I perceived to be the mission of this House and the mission of those of us who serve in the legislative branch.

We, Mr. Chairman, are here to be guardians of the public Treasury and the public trust. There is no reason on earth why hard working American taxpayers should be called upon to ante up in excess of $285,000 to satisfy the legal fees in this civil case, because the American taxpayers are not culpable. Those within the executive branch of our government, those within the administration, are in fact culpable for this, and this House should go on record with this sense of the Congress resolution.

Now, I noted with great interest the comments of my colleague from Massachusetts (Mr. FRANK), who in seeking to demean the whole notion of the sense of Congress resolution said it carried no effect.

Mr. Chairman, that is incorrect, because the sense of the Congress resolution, first of all, sends a message to the executive branch, and serves as an entreaty to our chief executive, to the President of the United States, to say to him, Mr. Chairman, that perhaps the President ought to rethink this, and he has the chance to change his mind. Because even more disturbing is the letter that was entered into the record a little earlier by my distinguished colleague, the gentleman from Florida, where the White House, in writing back to the chairman of the Committee on Ways and Means, said that appropriate government funds would be used to pay this penalty.

I believe that to be wrong. So, first of all, the sense of the Congress resolution serves as an entreaty to the executive branch to say, think again. Use

another mechanism, but not the tax money of hard-working American people, to satisfy this fine in excess of $285,000.

But, moreover, as pointed out by my colleague from Arizona, a member of the Committee on Appropriations, other action may be taken within the appropriations process. As my colleague stated and as he implied, there may be the entire action of rescissions of a like amount from the executive branch's budget to deal with this.

So let me suggest to those who would try to say that somehow this is not important, that it is some sort of political posturing or stunt, nothing could be further from the truth.

Mr. Chairman, I must also point out, because we heard a bit of it in the rules debate, that I have no doubt that others will come here not to debate the focus of this resolution, which is to protect the money of the taxpayers, but, again, to come up with a type of soup-to-nut government-run health care plan that they will try to offer with some nuances here on this floor to change the subject.

Let me again suggest to all of my colleagues, Mr. Chairman, that the subject of health care debate is important, and it should be held in this forum, but on another occasion, because this sense of the Congress resolution deals with something fundamental and vitally important, protection of the taxpayers' funds and healing this breach of trust. That is what we must do, and that is why I believe this resolution should be passed unanimously, if possible.

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

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to say to the gentleman from Arizona, we can settle this right now. As we have heard earlier, the sense of the Congress resolution would have no legal effect. What the American Law Division told me is if its language was introduced as a bill, its effect would work, if it is not ruled unconstitutional.

So I would ask the gentleman if he would object if I asked unanimous consent that on page 3, that we strike all of section 2, basically which is the section that talks about a joint resolution, and merely reword the language to say, "No payment of award by taxpayers. The award of $285,684.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al., v. Hillary Rodham Clinton, et al., shall not be paid with taxpayer funds."

I would offer that as a unanimous consent. We could agree, and go home.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I would have to reserve the right to object, and I would object, because, in keeping with the comity of this House, in keeping with the nature of civil debate and full discourse, this is precisely intended, as I said just moments ago, as a first step.

We offer this as an entreaty to the President of the United States to ask him to change his mind, to take the first step to mend this breach of faith and breach of trust, and I offer that in that spirit, and also again would make note of the record that exists earlier and the comments of my colleague from Arizona, who said he is perfectly willing to take solid action within the appropriations process.

So I would have to object to the unanimous consent request, Mr. Chairman.

Mr. STARK. Mr. Chairman, reclaiming my time, it shows me the majority is not serious about doing this. This is, indeed, as this certifies, they are just playing games here and posturing, because if they wanted to not spend the money, we could have done it right then. I offered it, we could have passed it, gone home. Absolutely the money would not get paid. Now we are just posturing.

Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this resolution deals with the President's Task Force on National Health Care Reform. That task force was concerned about quality health care for the people of this country. It dealt with many subjects, including how to expand health care insurance for many Americans who had no health care insurance, and it was also deeply concerned about quality standards and consumer protection for people who are in managed care programs.

Each of us have heard from our constituents their concern that the practice of medicine, the medical decisions are being made by bureaucrats rather than by medical professionals.

The United States District Court ruling that is the subject matter of this resolution awarded attorneys' fees for some physicians who challenged the work of that task force. This sense of Congress resolution says that those attorney fees should not be paid for by taxpayer funds.

As the gentleman from California (Mr. CAMPBELL) pointed out, the law says that attorneys' fees can only be paid for by the government, and, therefore, if this sense of Congress resolution was carried out, if we made it law, as my friend the gentleman from California (Mr. STARK) pointed out, the plaintiffs in that lawsuit would not be able to recover any attorneys' fees, which is certainly contrary to the intent of the sponsors of this resolution.

That is why this sense of Congress resolution makes no sense. The impact, though, could have an impact. As the subcommittee chairman Mr. KOLBE pointed out, it is his intention to deny these funds from the White House budget. Therefore, this resolution could have an effect if we pass it, a psychological effect and a chilling effect, on people who want to serve their government on task forces that look at problems.

The work of the President's Task Force on National Health Care Reform goes forward. We have had a President's Commission on Quality Standards for Managed Care. The work of the task force moves forward, important work. We have legislation pending that deals with those recommendations.

One deals with external appeal for managed care programs. I received a phone call this morning from a constituent, a constituent whose child needed institutional care, who was being threatened to be taken out of the hospital just arbitrarily by the managed care operator. That is wrong. That plan had no external appeal, independent appeal, so that person could take that grievance to an independent body.

We need to correct that. We need people who are willing to serve on task forces to correct that. This resolution will have a chilling effect on people serving on those types of task forces.

We have legislation here that would provide access to emergency care. Today I can tell you of examples in my community where people who are in a managed care program go to an emergency room. They have chest pains, they are sweating, they think they are having a cardiac problem. They go to the emergency room. The good news is that they didn't have a heart attack, but then when they get the bill from the hospital and the managed care plan refuses to pay because the diagnosis was not an emergency, they almost have a heart attack.

We need to enact legislation, the work of that task force, in order to correct those problems. We have circumstances every day that people need referral to specialists, and the managed care plan prevents that referral. We need people willing to serve on task forces in order to correct those problems.

So, Mr. Chairman, it is important that we do not send the message out today that we do not want to see people work and provide their expertise and independence, so the Congress can get the benefit of their work.

The sense of Congress resolution should call upon us to enact quickly the consumer protection provisions for managed care plans. Then the sense of Congress resolution would make more sense. Better yet, we should use the

time tonight that we are debating this resolution to debate the bills themselves, to provide the protection that each of our constituents want and deserve. Why not bring those bills before us this evening, and then we really could provide the protection that people need that are in managed care programs.

If we did that, then the call I received today from my constituent, we would not be receiving them tomorrow, and we will be receiving those calls tomorrow, each one of us know that.

I hope that we can turn this resolution into action, so that this Congress acts on what is really important to my constituents, providing national standards for quality care in this country. Then we will be doing a service to the taxpayer.

Mr. HAYWORTH. Mr. Chairman, as I am proud to note, I am a cosponsor of the access to emergency care bill.

Mr. Chairman, in keeping with the tradition of maintaining debate on the subject at hand, I am pleased to yield 4 minutes to the gentleman from the Commonwealth of Pennsylvania (Mr. ENGLISH), my colleague on the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, if the opponents of this resolution are successful, it will indeed have a chilling effect. It will have a chilling effect on efforts to open up and provide sunshine into every area of government, because the issue before us is basically a sunshine issue. Every supporter of open government and public accountability should be prepared to support this resolution. This is about the illegal efforts by some in the current administration to draft a sweeping and radical health care bill in secret.

□ 1715

Operative word: In secret. Whether one likes the legislation or not, it is problematic that the task force that is referenced in this resolution had meetings closed to the public. They proceeded cloaked in a shroud of secrecy. If one is doing good work and in the public interest, one should have nothing to hide.

This issue is also about telling the truth. When that does not happen, the guilty should be punished, not the innocent. Judge Lamberth I think was compelling on this point when he found improper behavior, and let me specifically reference some things from his decision. He said, "Government's responses were preposterous, incomplete and inadequate."

Elsewhere he said, "The court finds clear and convincing evidence that sanctions should be imposed because of the government's misconduct in this case."

Elsewhere he says, "It is clear that the decisions here were made at the highest levels of government and that the government itself is, and should be, accountable when its officials run amok. The executive branch of the government working in tandem was dishonest with this court and the government must now face the consequences of its misconduct."

Finally, Mr. Chairman, Judge Lamberth wrote, "It seems that some government officials never learn that the cover-up can be worse than the underlying conduct. Most shocking to this court and deeply disappointing is that the Department of Justice would participate in such conduct. This type of conduct is reprehensible and the government must be held accountable for it."

Accordingly, Mr. Chairman, Judge Lamberth imposed the sanctions on Mr. Magaziner, and this $285,000 punishment, in my view, should be covered by the guilty party, not borne by the taxpayers.

This is a very simple issue. If one believes that this outrage should be swept under the carpet, if one thinks that Mr. Magaziner's penalty should be paid by the taxpayers, then by all means vote no on this resolution. If one wants the House to go strongly on record opposing this cover-up and insisting that the taxpayers not foot the bill for Mr. Magaziner's penalty, then I think the Members of this House have an obligation to vote aye.

To the opponents of this resolution, whom I very much respect, I would suggest to them, do not change the subject. The ends do not justify the means. If this were a Republican administration engaged in this kind of conduct, I think their outrage would be palpable here.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I really cannot resist, gentlemen. I think my colleagues are on pretty thin ice when they start talking about who is lying and who is hurting the American people. I remember when Secretary Schlesinger and Secretary Kissinger lied to this Congress and thousands of Americans died unnecessarily in Vietnam. Put that in your book against 238,000 bucks and see how you come out. I can remember when Nixon lied and we put him away. I can remember when Harding lied over an oil deal, by golly, and we put him away.

So there is nothing partisan or unique about politicians stretching the truth. Our own Speaker may have very well been dealt with and have to pay some money or have other people pay it. Let us not get into whether all politicians never lie, ever lie, maybe lie, should not lie.

I am willing to stipulate to my distinguished friends that Ira Magaziner did the wrong thing in spades. I would go further and say, I think he is kind of a nut. But my colleagues should be happy that he is still working for President Clinton. He will do more to help us inside the White House than if we put him in jail. So I say, why do we not stay ahead of the game? Let the guy in there.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Pennsylvania.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, just quickly, that is not the sort of partisan advantage I would seek, and I thank the gentleman for yielding.

Mr. STARK. Mr. Chairman, reclaiming my time, seriously, nobody is debating that there was serious error, but I do not think anybody in this Chamber can debate the other side and say, nobody else has ever made an error as egregious or as costly, either in dollars or in human life. That is not the issue.

I think I established with my good friend from Arizona that they would rather have this as a debate to in effect tweak the White House, see if they can humiliate the President a little bit. Although it seems to be with events that have led up to this, they have tried and have not succeeded. His popularity is high because he has done a good job with the budget; he has done a good job of addressing all of the things that the Republicans were unable to do that the Democrats did. So I do not know as this is going to make a major difference.

But the resolution deals with government officials using private citizens. Is it any worse to meet with lobbyists in private to try and destroy health insurance to fight for improvements in health care in America? We have a memo from the Health Insurance Association of America, the for-profit health insurance lobby, and it talks about the Speaker's aides calling lobbyists up to Capitol Hill to trash a bill to provide consumer protections in HMOs. That was done in secret.

Is that any worse than a goof-up like Magaziner making the wrong statement and not letting us find out about a health care plan that never came through? I do not think so, because I think every American wants to see managed care protections. So when the Republicans, to be trying to defeat the bill of the gentleman from Georgia (Mr. NORWOOD) in secret, to me is more harmful than bashing this and not really stepping up to the bar. I would like to save the $285,000 just like my colleagues would, but they turned down my unanimous consent request to do that.

There is a fly-in today, not a fly in the ointment, I mean a fly into Washington. The National Association of Manufacturers, that outgrowth of the John Birch Society, is staging a fly-in to get sponsors off of the bill of the gentleman from Georgia (Mr. NORWOOD), which would protect consumers in this country from egregious treatment by managed care plans.

Now, this was perpetuated by the Republican leadership, certainly not in open court, in an attempt to kill a bill that has enough cosponsors to pass. Is it egregious? No. Mean-spirited? Yes, I would say so. I think that trying to help get 41 million people insured who are uninsured was a good effort in 1993. The Republicans defeated that, and I think that there was indeed a screw-up by Mr. Magaziner and the administration, but I am just suggesting to my colleagues that this tends to point us away from the important issues of the day, and the issues of the day are not whether they are going to pay $285,000 out of the Treasury, because this resolution will not have any effect on that one way or the other. I offered to do that, my colleagues turned it down.

It cannot be just about lying, because that does not seem to be the special province of any party or any body to government or any particular social institution in general. It certainly cannot be that my colleagues just want to humiliate the President, because there is a long line outside the White House of people who are trying to do that now, and it does not seem to have much effect, because at least, regardless of what went on in 1993, the President is doing this: He is addressing the issue of helping children. He is addressing the issue of getting insurance to people where the private sector will not give it to them now, and the only objection I am getting from the other side of the aisle is that government is doing it. Well, that is an objection, I guess, if my colleagues believe that. He is addressing the issue of a cleaner environment. He is addressing the issue of helping small business provide retirement funds.

Now, we can embarrass him, but I will tell my colleagues, the American people know that he is trying to deal with the issues that are important to them.

So I would hope we could say again and again, Ira Magaziner was a bum. Ira Magaziner ought not to have been there and he did not help promote the health care of this Nation at all. He is an embarrassment, he ought to go back and continue to ruin General Motors or Electric or whatever he did before he came here. I stipulate to that. I do not care. If there is a way my colleagues could find, and I offered it to them to get the $285,000 out of his hide. I lead the parade. My colleagues turned down that offer.

So why do we not just agree, I say to the gentleman from Arizona (Mr. HAYWORTH), my good friend, that he was a bum, the government made a mistake, we do not want him to pay $285,000, my colleagues do not want him to pay $285,000, but this bill is not going to stop it, and we have had an interesting debate.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume before I yield to the gentleman from Texas (Mr. JOHNSON), because the charges of my good friend from California and his very interesting, somewhat jaundiced revisionism of history certainly need a response.

First of all, it is worth noting that this new majority in the Congress has worked to enact quality health care reforms. In 1997, in bipartisan fashion, our Balanced Budget Act saved the Medicare program from bankruptcy for at least a decade and helped extend health care coverage for up to 5 million uninsured children. This new majority in 1996 enacted the Health Insurance Portability and Accountability Act to help workers keep health insurance when they changed jobs or lose their job, and, Mr. Chairman, I would point to a more recent piece of history that I am sure my colleague from California remembers. The gentleman from California (Mr. STARK) was one of only two Members of the House of Representatives, from all of the Republicans and Democrats here, to vote against the bipartisan Health Insurance Portability and Accountability Act, which the General Accounting Office found would help 25 million Americans.

I would concur with my colleague from California that some folks are absolutely beyond humiliation. I might also state that that may be one of the major problems we face in this Nation today. But again, the purpose of this sense of Congress resolution is to say this: It is to say, Mr. Chairman, to the executive branch and specifically to the President of the United States, that here is a chance to change our minds and go on record and mend this breach of trust and pay the fees.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Chairman, I would like to say to the gentleman from California (Mr. STARK) that I like his comment: Ira Magaziner is a bum. I will just call him that. But there was a difference in this case because there was a judge involved, and I think we have to protect the American taxpayer from paying that $286,000 for a crime they did not commit.

In 1993, the President did form a secret task force to try and socialize the best health care system in the world, to put the lives of all Americans in the control of our government. A U.S. district judge recently ruled the President's task force engaged in "dishonest and reprehensible conduct" and levied that fine of $286,000, and the President believes the American people ought to pay that fine. That is unbelievable. Here we have a secret task force that did not consult with the American people, trying to destroy the best health care system in the world, and that same administration has the audacity to turn around and tell the American people, they break the law and pay a fine. I am outraged. Pay this fine? No, no, I do not think so. The American people ought not to have to give up their hard-earned dollars to a government that already takes over 38 percent of the taxpayers' income anyway.

Mr. Chairman, where is the accountability? It is time for people who break the law to stand up and take responsibility. I think Mr. HAYWORTH is right. The President made these same remarks in his State of the Union speech. The task force should take responsibility for their conduct. The task force should pay the fine themselves.

Mr. STARK. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I wanted to ask the gentleman from Arizona a question. My colleague wanted to talk about what bills had passed. Can the gentleman from Arizona tell us whether the Republican leadership intends to bring forward a bill on consumer protection and managed care and when we can expect to that have bill on the floor?

Mr. HAYWORTH. Mr. Chairman, if the gentleman will yield, I thank my colleague for asking me the question. As I am not part of the leadership, I am not sure when those bills will be brought up.

Mr. CARDIN. Mr. Chairman, that is the answer I thought I would receive.

The gentleman from Arizona (Mr. HAYWORTH) was talking about what he was able to bring forward. I thought you could at least give us some assurances that we will be able to take up bills that are important to our constituents.

□ 1730

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I hope that the American people watching this will be able to sort out all of this gobbledygook back and forth and to really understand that this is a resolution, every side is trying to make some points on it, and some partisan banter.

But I think the point that the gentleman from Maryland (Mr. CARDIN) mentioned is the point that we should be addressing and, unfortunately, it is not in this debate that we are having. It does merit some consideration.

What is being proposed in this resolution is a condemnation of a fellow, who by the way in my State of Rhode Island is held in high esteem, Ira Magaziner, someone who has committed his life to public service. Maybe he did some things that were wrong; i.e., he held meetings in secret. But let us understand what he was trying to do. He was trying to come up with a plan to make

sure that all Americans in this country would be able to gain access to quality and affordable health insurance.

Now, is that so wrong? Okay, it may have been a secret plan. But that is because he wanted to keep it a secret from the insurance industry that, once this plan got out, was sure to attack it. The American people who are out there know what I am talking about. They remember the "Harry and Louise" ads on TV condemning the President's plan to make sure that every American got insurance.

Mr. Chairman, the American people have seen the insurance industry repeatedly go against the kind of health care reforms that the Democratic Party and the President have been trying to usher through.

Mr. Chairman, I call the attention of my colleagues to a memo by the Health Insurance Association of America. It was regarding the Republican leadership to kill health insurance reform. They killed it when the President proposed it. They are trying to kill health reform once again in this Congress.

Mr. Chairman, listen to what they say in this memo. They said, "Republicans need a lot of help from their friends on the outside." I wonder who that could be. Maybe the insurance industry. "Get off your butts and get off your wallets." Come on insurance industry. Give us your money, because we have got to make sure we can still make money off of people.

And how do we make money off of people? We deny them health insurance. If they get sick, we deny them care. It is very elementary common sense. The American people understand how health insurance makes money. They make money by ripping off the American people.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I listened with great interest to the gentleman from Rhode Island and want to thank him for offering his letter or memo in enlarged fashion.

Let me also point to another very enlightening piece of correspondence which again reaffirms our reason for this sense of the Congress resolution.

It is because, despite the fact that the gentleman from California (Mr. STARK) has been rather forthcoming in his analysis and how he perceives the disposition of one Mr. Ira Magaziner vis-a-vis his involvement in government and while he may have a bone of contention with the gentleman from Rhode Island (Mr. KENNEDY), this case involving Mr. Magaziner is not an isolated incident.

Mr. Chairman, I point to the work of the gentleman from California (Mr. THOMAS), chairman of the Subcommittee on Health of the Committee on Ways and Means. If it were not for the work of the gentleman from California (Mr. THOMAS), another committee would be meeting today behind closed doors in violation of the Federal Advisory Committee Act.

The gentleman from California suspected that the Health Care Financing Administration's Technology Advisory Committee, the committee that makes national coverage decisions that affect our 37 million seniors, operated behind closed doors in violation of, with its handpicked members of the public. He immediately called for an investigation by the GAO.

Mr. Chairman, here is the letter from the General Accounting Office dated January 13. Five major violations, Mr. Chairman, which include: one, failure to hold meetings that are open to the public; two, failure to provide public notification of the creation of a committee; three, failure to charter with the head of the agency, the administrator of general services and the congressional committees with legislative jurisdiction; four, failure to sunset the committee within 2 years unless renewed by the agency; and, five, failure to keep records that fully disclose the use of funds by the committee.

Now this is the most important thing, and I am glad the gentleman from Maryland (Mr. CARDIN) was listening. Since this discovery, HCFA scrambled to comply. The first move was to cancel the scheduled meeting February 3 and 4. Mr. Chairman, as we see, they were going to continue the meetings right now behind closed doors. The breach of trust grows ever wider. It makes this sense of Congress resolution all the more important.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I am sure that recitation of all the facts regarding these meetings really did a lot for the American people, the 40 million Americans who are without health insurance today. I am sure the gentleman is really glad that he did point that out.

Mr. HAYWORTH. Mr. Chairman, reclaiming my time, I think it is important; and certainly my colleague would join with me in agreeing that the first step to sound public policy is an open, honest debate as we hold here on the floor. It should not be reserved solely for this Chamber or this Committee of the Whole House. Instead, it should also extend, as it does under law, to other committees.

I am sure my colleague would concur with me that we may have differences on how best to insure uninsured Americans, but one vital step that I believe the gentleman's family and his long tradition of public service would point out is that there should be honesty with this policy, and so I trust he joins me in outrage about this meeting behind closed doors.

Mr. Chairman, I insert the following for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 7, 1997.

BILL SCANLON, Ph.D.,
General Accounting Office, Health Financing and Systems, Washington, DC.

DEAR BILL: I am concerned by reports that the Department of Health and Human Services is using an advisory committee without complying with the requirements of the Federal Advisory Committee Act. I request that the General Accounting Office review the matter for the Committee.

According to Department documents, the Technical Advisory Committee (TAC) makes recommendations to the Office of Clinical Standards and Quality in the Health Care Financing Administration concerning, among other things, whether particular medical technologies are appropriate for Medicare national coverage. Membership of the TAC comprises both government employees and selected medical directors of Medicare carriers, which are private sector entities.

The Federal Advisory Committee Act provides generally that meetings of an advisory committee, as defined in the Act, must be open to the public. The TAC, because it has members who are not government employees, appears to fall within the definition of advisory committee in the Act, yet its meetings are closed. In addition, the TAC may be in violation of other provisions of the Act that govern the formation and operation of advisory committees.

Please provide the following: (1) a description of the responsibilities and operations of the TAC; and, (2) a legal opinion concerning whether the TAC is in compliance with the requirements of the Federal Advisory Committee Act and, if it is not, the legal implications of that violation.

Thank you in advance for your assistance. If you have any questions about my request, please contact Allison Giles of the Health Subcommittee staff at 225-3943.

Sincerely,

BILL THOMAS,
Chairman.

U.S. GENERAL ACCOUNTING OFFICE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, January 13, 1998.

Hon. BILL THOMAS,
Chairman, Subcommittee on Health, Committee on Ways and Means, House of Representatives.

DEAR MR. CHAIRMAN: The Health Care Financing Administration created the Technology Advisory Committee to provide it will expert advice concerning whether Medicare should cover specific technologies on a national basis. In your November 7, 1997, letter to this Office, you asked that we provide a description of the responsibilities and operations of the Committee. You also requested that we provide our opinion whether the Committee is in compliance with the requirements of the Federal Advisory Committee Act and, if it is not, that we discuss the legal implications of that violation.

The purpose of the Technology Advisory Committee (the Committee) is to help the Health Care Financing Administration (HCFA) make decisions concerning whether Medicare should reimburse providers on a national basis for new procedures and technologies. Until HCFA makes a decision to provide national coverage, the carriers—the private-sector companies that operate the Medicare program under contract with HCFA—may decide individually whether they will cover a particular technology.

The Committee meets several times a year to consider an agenda established by HCFA. The membership has consisted of both government employees and carrier medical directors. Although it merely provides information in some instances, the Committee has on occasion made recommendations to HCFA.

As it was constituted as of December 31, 1997, the Committee was an advisory committee as defined in the Federal Advisory Committee Act (the Act of FACA), but was not operating in compliance with the Act. The Act requires that meetings of an advisory committee be open, unless a specific exception to that requirement is invoked. Although HCFA promptly publishes a summary of meetings of the Committee after they take place, the meetings are not open to the public, and no exception has been invoked. The Committee has also not been in compliance with other provisions of the Act. These include the requirements that the head of the agency, in consultation with the Administrator of General Services, make a formal determination that creation of an advisory committee would be in the public interest, that a charter for an advisory committee be on file with the agency using it and with the congressional committees having legislative jurisdiction, and that the committee have an expiration date.

The Act is silent concerning the consequences of non-compliance. A person who can establish that he is adversely affected by the violation can seek relief from the courts, which are free to craft what they consider to be an appropriate remedy. For example, when the complaint is based on failure to hold open meetings, the courts have ordered that the meetings be opened.

HCFA, in commenting on a draft of this letter, acknowledged that the Committee was "likely not in compliance with the requirements of FACA," and indicates that it is taking steps to cure the violation. HCFA points out that the Committee "performs a very important role in augmenting the limited clinical resources available on our staff to review the scientific evidence respecting the appropriateness of extending Medicare coverage to specific health care items and services." HCFA and the Department of Health and Human Services are therefore developing a proposal for a new committee, chartered under the Act, and with broad public membership, that would in effect replace the existing Committee. Pending that decision, HCFA will "reformulate the current committee" with membership limited to federal employees. (We were told that this would be done before the next scheduled meeting of the Committee in February.) A committee so constituted would not be subject to the Act, which excludes from coverage committees consisting entirely of full-time government officers or employees.

We agree with HCFA's course of action. In the short term, it will cure the violations that now exist. In the longer term, HCFA's consideration of a reconstituted committee with broad public representation that will comply with the Act is worthwhile; although we have not analyzed the operation of the Committee in depth, we found no reason to doubt that it performs a useful function for HCFA. Moreover, it seems reasonable that, as HCFA believes, the presence on the Committee of carrier medical directors brings an added valuable perspective to the Committee's deliberations, and that there may be merit to having additional public representation.

A more detailed discussion and a copy of the comments provided by the Health Care Financing Administration on a draft of this letter are enclosed.

As arranged with your office, unless you announce its contents earlier, we plan no further distribution of this letter until 30 days after this date. At that time, we will send copies to the Administrator of HCFA and interested congressional committees. Copies will be made available to others on request.

If you or your staff have any questions, please call me at (202) 512-8203.

Sincerely,

BARRY R. BEDRICK,
Associate General Counsel.

Enclosures.

The Technology Advisory Committee

The Technology Advisory Committee (the Committee) was established by the Health Care Financing Administration (HCFA) to advise it concerning whether new medical techniques and products should be covered under Medicare on a national basis. HCFA has described the functions of the Committee in part as follows:

"[The Committee] serves in an advisory capacity to HCFA's Office of Clinical Standards and Quality (OCSQ). Its major focus is to assist HCFA in its technology assessment efforts, to recommend whether a technology is appropriate for Medicare national coverage policy, and to refer topics to the Agency for Health Care Policy and Research . . . or other technology assessment expert, for a comprehensive technology assessment when appropriate."

Although many Medicare coverage decisions are made locally by the carriers that administer the program under contract, HCFA has an "overall interest in increasing the consistency of coverage policy among carriers and making national policy for coverage issues that are significant."[1] The Social Security Act specifies certain Medicare benefits, but in addition gives the Secretary of Health and Human Services discretion to cover additional items as long as they are "reasonable and necessary for the diagnosis and treatment of illness or injury or to improve the functioning of a malformed body member." The Committee is used to help HCFA decide which items fall within that definition:

". . . The [Committee] provides interchange between local and national policy and considers when an issue becomes of such prominence that it warrants a national policy. HCFA develops the agenda that the [Committee] will follow to evaluate and make its recommendations. The [Committee] could recommend that HCFA: issue a national coverage policy, refer the issue for assessment by the Public Health Service or other qualified assessment organization, postpone the decision until there is more information, or decline to establish a new policy. HCFA can then accept or reject the [Committee's] recommendation."[2]

Membership on the Committee was originally limited to HCFA employees, but was gradually broadened to bring in employees of other components of the Department of Health and Human Services (HHS) as well as of other federal agencies and, eventually, the medical directors of the carriers. At present,[3] the membership of the Committee comprises representatives of HCFA and other agencies within HHS,[4] representatives of the Department of Veterans Affairs and the Department of Defense, and medical directors of the carriers. An official of HCFA's Office of Clinical Standards and Quality serves as chairman.

The expansion of the Committee's membership coincided with an evolution of its functions. Originally the Committee reviewed whether a technology assessment by the Public Health Service was needed and helped to prepare requests for such assessments. Over time, the committee took on additional responsibility and began to make its own assessments. Current practice is for the Committee to discuss the scientific evidence, and for members to express their views on whether that evidence supports Medicare coverage.

Meetings of the Committee are closed, but HCFA has made information on the meetings, including agendas and minutes, publicly available through HCFA's Home Page on the Internet. According to the former Administrator, "[t]his is one of the means by which we hope to increase participation by interested parties."[5]

The published minutes of Committee meetings provide illustrations of its operation. During its August 5-6, 1997 meeting, for example, the Committee considered, among other technologies, a test intended to assist clinicians in selecting chemotherapy agents by predicting tumor resistance to specific drug regimens. In determining the chemotherapy regimen for cancer, practitioners typically use the most powerful therapy available. If the first line of treatment fails, the second attempt at tumor control is rarely as successful as the first one. Therefore, it is important to be precise at the onset of treatment. The Committee considered evidence that the new test lets physicians avoid administering toxic agents that not only offer no benefit, but that lessen the likelihood that the next treatment will be effective.

The Committee agreed that a test of this kind would be beneficial but was concerned with the lack of data demonstrating clinical utility and acceptance of the particular test under consideration. The committee recommended to HCFA that the test not be covered.[6] (HCFA's coverage decisions do not prevent technologies such as this one from being used; the only issue for HCFA, and the Committee, is whether the technology should be reimbursable under Medicare on a national basis.)

The Federal Advisory Committee Act

In explaining the purpose of the Federal Advisory Committee Act (the Act), the Congress acknowledged that the numerous committees, boards, commissions, and other organizations established to advise the executive branch are frequently a useful and beneficial source of expert advice, ideas, and diverse opinions. At the same time, it found that the need for many then-existing advisory committees had not been adequately established, and that some committees continued in existence after they were no longer useful. The Congress concluded that additional controls were needed over advisory

[1] Prepared statement, "Medicare Coverage Policy," by Bruce C. Vladeck, Administrator, Health Care Financing Administration, before the Subcommittee on Health, House Ways and Means Committee, April 17, 1997.

[2] *Id.*

[3] As discussed further below, HCFA is in the process of reformulating the membership of the Committee to bring it into compliance with the Federal Advisory Committee Act. This discussion applies to the Committee as it existed as of December 31, 1997.

[4] The other HHS components represented on the Committee are the Food and Drug Administration and the National Institutes of Health.

[5] Vladeck statement, *supra.*

[6] This account is drawn from the summary of the meeting that HCFA posts on its Internet site.

committees, so that it and the public would be kept informed with respect to the number, purpose, membership, activities, and cost of these committees. 5 U.S.C. app. 2 §2.

The Act achieves these ends through a set of requirements that apply to the formation and operation of advisory committees.[7] Advisory committees must have written charters on file with the head of the agency that created them, and with the congressional committees with legislative jurisdiction over the agency. 5 U.S.C. app. 2 §9(c). They must announce and hold open meetings unless one of several specific exceptions applies. Id. §10. They must cease operation within two years of their creation, unless expressly renewed. Id. §14. Advisory committees must keep publicly available records of expenditures. Id. §12. Requirements of the Act are implemented in regulations of the General Services Administration. Id §7; 41 C.F.R. Subpart 101-6.10.

The Committee is Subject to the Federal Advisory Committee Act

The Act covers the Committee. As defined in the Act, "advisory committee" includes "any committee . . . which is . . . established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for . . . one or more agencies or officers of the Federal Government. . . ." 5 U.S.C. app. 2 §3. The Committee is established and used by HCFA in the interest of obtaining advice or recommendations.

There are several exceptions in the law from the general definition in the preceding paragraph, but none applies to the Committee as it is currently organized. Two of the exceptions are for specific organizations; the third is for committees "composed wholly of full-time officers or employees of the Federal Government." 5 U.S.C. app. 2 §3(2)(C). As it was originally constituted, the Committee was composed wholly of full-time government officers or employees and therefore came within the latter exception. However, once the carrier medical directors became Committee members, that exception was no longer available.[8]

The Committee is not in compliance with the Act. Among the most fundamental of the requirements with which the Committee does not comply is that meetings must be open and, subject to reasonable limitations, interested persons must be permitted to attend, appear before, or file statements with any advisory committee. 5 U.S.C. app. 2 §10(a). Meetings of the Committee have been closed in the past. In addition, the Committee was not established based on a formal determination by the head of the Department of Health and Human Services, after consultation with the Administrator of General Services, that its creation would be in the public interest (Id. §9(a)(2)), and does not have a charter on file with the Department and the authorizing congressional committees (Id. §9(c)). The Department of Health and Human Services does not keep records of costs and activities of the Committee. Id. §12. The Committee has continued in operation for more than two years despite not having been renewed by the Department. Id. §14.

Consequences of Violation

The Act does not prescribe remedies or penalties for violations, nor does it specify who may bring suit to challenge alleged violations. This in effect leaves it to the courts to decide who may bring suit and to craft remedies for violations.

Because the Act does not create a right to sue for violations, those seeking to challenge the operation of an advisory committee must first establish that they are directly affected in some fashion by the alleged impropriety concerning the committee. This establishes the requisite "standing" to sue.

In those cases where a plaintiff has been found to have standing, legal challenges under the Act have generally focused on two of its requirements. One of these is balance; that is, the plaintiff argues that the constitution of the committee unfairly weights it in favor of one point of view, in violation of the requirement that the membership of an advisory committee "be fairly balanced in terms of the points of view represented. . . ." 5 U.S.C. app. 2 §§5(b)(2), (c). The other requirement that commonly forms the basis for a challenge is openness; plaintiffs allege that they have not been permitted to attend meetings, or that they have been denied access to information about the operations of the committee. Id. §§8(b), 10(a)-(d).

Although there is no statutory penalty for violations of the Act, a plaintiff can ask a court to order appropriate relief. Courts have generally responded to violations of the openness requirement by ordering that the committee's proceedings be opened.[9]

In one instance where an order to open the meetings of the committee would have had no effect because the committee had completed its work before the lawsuit concluded, a federal appellate court upheld an order to the agency not to use the product of the committee's deliberations "for any purpose whatsoever, directly or indirectly.[10] The court reasoned that "to allow the government to use the product of a tainted procedure would circumvent the very policy that serves as the foundation of the Act." It is not clear whether courts in the other federal circuits would take the same approach.

HEALTH CARE FINANCING ADMINISTRATION, OFFICE OF CLINICAL STANDARDS AND QUALITY,
Baltimore, MD, December 22, 1997.

BARRY R. BEDRICK,
Associate General Counsel, General Accounting Office, Washington, DC.

DEAR MR. BEDRICK: Thank you very much for giving us the opportunity to comment on a draft of your response to Congressman Bill Thomas, who has asked you for a description of the responsibilities and operations of HCFA's technology advisory committee and a legal opinion concerning that committee's compliance with the Federal Advisory Committee Act (FACA).

We believe the committee has been performing a very important role in augmenting the limited clinical resources available on our staff to review the scientific evidence respecting the appropriateness of extending Medicare coverage to specific health care items and services. The committee has also added valuable perspectives to our discussions about these coverage decisions, based on the experience of other agencies faced with similar issues and the experience of our contractors responsible for processing Medicare claims.

As your draft correctly points out, the composition of the committee has evolved since its inception in 1980. It began solely with a group of clinicians who were on the staff of HCFA. Over time, we added representatives of other Federal agencies, both within and outside the Department, and medical directors from some of the Medicare carriers. The functions of the committee have also evolved. The initial purpose was to review whether a technology assessment should be sought from the Public Health Service regarding coverage for a specific item or service and, if so, to help HCFA staff frame the issue properly and review the response from PHS. As the committee grew and gained experience, it began to undertake more extensive discussion of the scientific evidence available regarding the clinical utility of items and services under review and, eventually, the members began to express their views on whether such evidence supported Medicare coverage.

We acknowledge that the committee is likely not in compliance with the requirements of FACA. Although we have publicized the existence of the committee, and now make the agendas and minutes of its meetings available to the public by means of the Internet, we have not made an effort to charter the committee under FACA. Nor have we opened its discussion of the scientific evidence to the general public.

Since the reorganization and reorientation of HCFA in July of this year, we have been reviewing our coverage decision process and the role of this committee. We believe there may be merit in establishing a FACA-chartered committee, with broad public representation, to review and provide counsel on the policies and procedures for coverage policy. We are developing a proposal for such a committee and will be presenting it for review and approval by the Department. It will likely be several months before there is a final decision on such a committee. During this process, we plan to reformulate the current committee, so that it is comprised solely of Federal employees, in order that we can continue to receive the valuable services it provides.

Thank you again for providing us a draft copy of your response and an opportunity to comment.

Sincerely,

PETER BOUXSEIN,
Acting Director, Office of Clinical Standards and Quality.

Mr. Chairman, I yield 5 minutes to the gentleman from the great State of Oklahoma (Mr. ISTOOK), a member of the Committee on Appropriations.

Mr. ISTOOK. Mr. Chairman, I certainly hope I misunderstood the gentleman from Rhode Island, because I am sure he did not intend to suggest that, because somebody is doing something that he likes, it is okay to lie.

Because the Court did not say Mr. Magaziner erred by holding meetings in secret. No, the Court found that his position was dishonest, deceitful, preposterous, in the words of the judge's findings, because he lied to the court in

[7] The Act provides different treatment in some respects for advisory committees created by statute, or created or utilized by the President. This discussion applies to advisory committees created by executive agencies.

[8] We understand that it has been suggested that the Committee might fall within the third exception on the theory that the carrier employees should be regarded as federal employees based on the unique and close relationship between the carriers and the federal government. However, this theory is untenable: carriers employees do not meet the legal requirements for status as officers or employees of the United States. Cf *Ass'n of American Physicians and Surgeons v. Clinton*, 813 F. Supp. 82 (D.D.C. 1993); rev'd. 997 F.2d 898 (D.C. Cir.); remand 837 F. Supp. 454.

[9] *Ass'n. of American Physicians and Surgeons v. Clinton*, 813 F. Supp. 82 (D.D.C. 1993); rev'd. 997 F.2d 898 (D.C. Cir.); remand 837 F. Supp. 454.

[10] *Alabama-Tombigbee Rivers Coalition v. Fish & Wildlife Service of U.S. Dept. of Interior*, 1993 WL 646410 (N.D. Ala. Dec. 22, 1993), aff'd. 26 F.3d 1103 (11th Cir. 1994).

order to try to justify having those meetings in secret with hundreds and hundreds of people.

In fact, if we look at the list of the people that were meeting in secret, they even included representatives from the insurance industry. This was not something about one industry versus another and supposedly it is okay for one group to lie, because they question the motives of another. No, this is someone coming before a Federal judge saying under oath things that were blatantly untrue.

Since when are we going to say the means justifies the ends? Since when is the White House going to say that it is okay for people in the highest levels of the White House to lie under oath to the courts of this Nation?

What would happen if that is the standard? And that is the question before us. Those who vote against this resolution are saying it is okay to do nothing about it. Mr. Magaziner is still on the payroll.

Mr. Chairman, I checked the most recent figure we have showing that he is making $110,000 a year of taxpayers' money. He filed this affidavit the first week of March in 1993. That means that, since he has filed the affidavit, he has been paid by the taxpayers almost half a million dollars; and he remains on the payroll. Nothing has been done about it.

Mr. Chairman, should we not send a message to the White House that they ought to do something about keeping somebody on the public payroll at an expense to taxpayers of half a million dollars whose lies and deceits have cost us $280,000 in court-awarded sanctions and fines and legal fees?

Mr. Chairman, I submit that nobody would be kept on the payroll of any private business that did such a thing.

However, it is not just Mr. Magaziner. As I mentioned earlier, the White House representative to come before Congress and talk and testify to our subcommittee repeated the same lies about saying, oh, these are all Federal employees, they are not private citizens from other walks of life involved in this task force.

Patsy Thomasson lied to us. She is still on the public payroll. Attorneys that were involved in the preparation of this at the White House and the Justice Department. And the Court properly said that they failed for years afterwards, even though they knew, they failed to correct the deceit and the lie practiced by Mr. Magaziner in the White House. Attorneys at the Justice Department are also culpable in this.

We have all of these people who in the Clinton administration remain on the public payroll that were involved in this deceit. Their collective salaries are not just half a million dollars but probably a few million dollars.

Now, should we not fashion a remedy where these people that the White House chooses to keep on the public payroll, despite their deceit, should be the ones who have to have this money taken out of their pay in some form or fashion? Maybe we ought to, as a second step in this process, say that those persons should not be paid more than minimum wage. Maybe there is some other mechanism.

But for Congress to do nothing is to say that Congress goes on record saying that it is okay for officials at the White House to lie to Federal courts under oath. We cannot have standards such as that. The Nation cannot afford a standard like that.

Under any other President, what is the watchword? What are Washington and Lincoln known for? They are known for being honest with the American people. And part of being honest is also if we make a mistake, if it is an innocent mistake, we correct it.

That was not done. Multiple people have been kept on the payroll who were involved in a pattern of deceit, deliberate deceit to the Federal court. This is the first step in correcting that process.

Congress cannot stand idly by, cannot do nothing, cannot say it is only $285,000.

I heard someone before in this Congress saying that it was only $1 million. Well, next thing we know they will be saying it is only $100 billion or some similar figure. If we find that deceit is being practiced by White House officials, we have the obligation to the American people to root it out, to say we cannot continue to let those persons continue on the public payroll.

Mr. Chairman, I urge adoption of the resolution.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one, I would remind the distinguished gentleman from Oklahoma (Mr. ISTOOK) that we offered a unanimous consent request which would absolutely cut out the payment with any taxpayers' money and it was rejected by his side of the aisle.

I would further remind the gentleman that, while they have spent the better part of a year and a half or better part of a year trying to get rid of a duly elected Democrat to the House of Representatives who committed no crime, other than to get elected, the Republicans are harboring a convicted felon in their delegation and have done nothing except see that his salary is paid and that he is an active Member of the Republican House delegation.

So I would suggest that one ought to be careful about talking about who pays money to crooks on whose time, because it is the Republicans that are supporting a crook in their midst and not doing anything to get rid of him.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I wanted to comment. I want my colleagues to understand why I am on the floor today.

I listened to one of the previous Republican speakers who said would it not be a shame if this resolution would not be brought up. And the gentleman from Arizona (Mr. HAYWORTH) said to the gentleman from Rhode Island (Mr. KENNEDY) that he wanted to have an honest debate on what to do about the uninsured.

My problem here today is the fact that my Republican colleagues bring up this resolution. They are in the majority. The Republican leadership decides what is brought up on the House Floor, and I do not think this resolution is important enough to waste the time of the House of Representatives.

I would like to see an honest debate on how we are going to cover these 40 million Americans that do not have insurance. But the problem here is that they do not bring up those things. The Republican leadership does not allow us to deal with health insurance reform and how to deal with the uninsured.

For the last couple of years, every time we wanted to address the concerns that were originally brought up by this President's task force about how to insure the people that were uninsured, whether it was the portability issue or preconditions in the Kennedy-Kassebaum legislation or it was the kids' health initiative that the President talked about in his last State of the Union address, on both of those occasions the Republican leadership blocked any efforts to bring those issues to the floor. And it was only after we repeatedly said, as Democrats, over and over again, this is important, pass Kennedy-Kassebaum, this is important, we need a kids' health care initiative, then eventually they acceded and said, okay, bring it up.

The problem is that what the President's task force started 5 years ago, to talk about the need to address the uninsured, those problems are still out there. They are getting worse. More people are uninsured today than were uninsured 4 or 5 years ago when Mr. Magaziner started this task force.

So my Republican colleagues should not kid us and say to us this is important and we will deal with that issue later. They will not do it. We have got to constantly pressure and pressure and pressure.

Right now, the President in his State of the Union address talked about the need to reform managed care. He talked about a consumer Bill of Rights to deal with the problems that people face with managed care. Bring it up. Bring up the President's agenda that so many people care about and that we know the public cares about. Bring up the problems of the near elderly, the people in the 55 to 65 year range who increasingly do not have health insurance.

□ 1745

You have the ability to bring it up. You control the agenda. Do not sit here or stand here and tell us that this is more important than that, because it is not.

I want to tell my colleagues why they are not bringing it up. My colleague, the gentleman from Rhode Island (Mr. KENNEDY), pointed it out. That is because the Republican leadership is engaged in this war that they want to stop any health care reform. They want to get the money from the special interests. They do not want the public and the agenda that the President has put forward to come forth and be heard on the floor of the House of Representatives.

What does Senator LOTT say there? He says, the Republicans need a lot of help from their friends on the outside. Get off your butts, get out your wallets.

The message we are getting from the House and Senate leadership is that we are in a war and need to start fighting like we are in a war.

Do Members know why? Because the President's message that we need managed care reform works. The public wants it. The Democrats are saying, bring it up.

They have got to start this war with all the special interest money to make sure it does not happen. That is what is going on here today.

Mr. HAYWORTH. Mr. Chairman, I am astonished to learn that ethics in government should take a back seat to another agenda, but then again I forewarned this committee that folks would try to change the subject.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), esteemed colleague and chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Chairman, I thank my distinguished colleague for yielding time to me.

As parents we try to teach our children one of the most fundamental elements of decency, thou shalt not lie. If you do not tell the truth, there are consequences.

Unfortunately we have before us today an issue that violates that tenet, and the punishment is being undermined by the President's administration. The court case we are talking about brings an almost $286,000 judgment against the Clinton health care task force which was led by Ira Magaziner. The court determined that Mr. Magaziner chose not to tell the truth when he was questioned about the members of the task force. To compensate for his deceit, he and the other task force members must pay the plaintiffs attorneys' fees and costs. He lied, and now he must pay, a justifiable punishment within our justice system.

Instead of making Mr. Magaziner pay for his dishonest action, the administration has said it is appropriate for the American taxpayers to pay the penalty. It is similar to someone robbing a bank, getting caught, not returning the money and using it to pay for his defense. That is wrong, and why this is so difficult for the administration to understand is beyond me.

Tax money should not be used to subsidize dishonesty, and I would urge my colleagues to cast their vote in support of honesty and integrity. Vote for H.J. Res. 107.

Mr. STARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, let me again thank the gentleman from California (Mr. STARK) for yielding me this time.

Mr. Chairman, let me just point out a couple points. First, it is undisputed that this sense of Congress resolution has no legal effect. In fact if it had legal effect, the plaintiffs in the lawsuit would not be able to recover attorneys' fees, which is just the opposite of what the sponsors of this resolution would have us do.

If we want to debate what should be the personal responsibility of someone who is employed by the government, then we should have on the floor legislation, generic legislation, the way we normally would take up bills, not aimed at one person or a personality, but aimed at whether this is good public policy or not. And then we would debate that issue and come to some resolution. I assume that we would have an opportunity to amend that particular bill, and we would have an open and full debate. But instead we are working on a resolution that has no meaning, that does not do what the sponsors claim it does, that, as the gentleman from California (Mr. CAMPBELL) pointed out, it cannot have any effect. And if it did, we would have to amend the underlying law.

The gentleman from California (Mr. STARK) made a unanimous consent request to deal with the underlying law, but that was objected to by the other side. So if we want to have a debate on responsibility, then bring forward a bill that does it in a generic sense, but do not hide behind one person and one court decision when your resolution does not even affect that resolution.

Mr. HAYWORTH. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. ARCHER), one of the true gentlemen of the House.

Mr. ARCHER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the resolution the House takes up today is simply about five words. It is not about all of the other things that have been said that reach out on many different subjects. It is about protecting taxpayers and honesty in government.

A Federal judge ruled last December that the Clinton administration engaged in, and I quote, dishonest, unquote, and I quote again, reprehensible, unquote, conduct by trying to deceive the court as to the makeup of its 1993 health care task force. The court found that the administration broke the Nation's sunshine laws and fined the White House $285,000. But President Clinton has announced that he intends to make the taxpayers pay this fine.

Today the House of Representatives can send the President a message: Mr. President, protect the taxpayers. It is wrong to make the taxpayers pay this fine. Reverse yourself, Mr. President. Taxes are already at a peacetime record high, and do not make the taxpayers pay one penny more. It is your responsibility. These people acted in your behalf. It is up to you to find a way to protect the taxpayers.

Mr. Chairman, in 1993, the taxpayers narrowly escaped paying the price for the administration's failed attempt to have a government takeover of health care. Having come so close to paying the price back then, I do not see why the taxpayers should have to pay the price now.

My colleagues, the fines at issue arise from no ordinary case. This matter sprang from the administration's extraordinary attempt to keep secret the deliberations of its 1993 health care task force. In a sworn affidavit, Mr. Ira Magaziner, currently a senior advisor to the President, swore the task force consisted only of government employees. As we all know, the task force contained many outside special interest representatives, private citizens, not government employees.

But here is what the judge said, and I quote: The Magaziner declaration was actually false. It is clear that the decisions here were made at the highest levels of government, and the government itself is and should be accountable when its officials run amok. The court agrees with the plaintiffs that these were not reckless and inept errors taken by bewildered counsel. The executive branch of the government, working in tandem, was dishonest with this court, and the government must now face the consequences of its misconduct. It seems that some government officials never learn that the coverup can be worse than the underlying conduct.

That is the end of the judge's statement, which I quoted verbatim.

Mr. Chairman, it is worth noting that the administration has not indicated that it will even appeal this ruling. That is why it is so important that we vote today to protect the taxpayers. Honesty in government is important always, at all times, for all of us everywhere. It is important in the Congress, and it is important in the White House. But when a breach occurs, the mistake should not be compounded by forcing the taxpayers to pay the price. And with this vote, we can help the President to change his mind. I hope that if

the President will not protect the taxpayers, Congress will.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I would just remind my distinguished chairman, the gentleman from Texas (Mr. ARCHER), that this resolution does not do what he wants done. He knows that. He is a brilliant lawyer. But I offered, Mr. Chairman, him the opportunity to make this a law, and it was turned down by the Republicans. So if we really want to do what the gentleman from Texas (Mr. ARCHER) is asking us to do, we will make this a law instead of a meaningless resolution.

So while you can talk tough, you are not willing to fight. You are talking the talk, but you will not walk the walk. You are afraid to make this work. You are afraid of the consequences of what could happen. You will not do it. We are offering you the opportunity. Where are you, Republicans? If you want to embarrass the President, come on. I will repeat my request for unanimous consent to strike section 2 and make it a bill. Will the gentleman accept my challenge?

Mr. ARCHER. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Chairman, I would say to the gentleman that the intent and the effort of this resolution is to give the President the opportunity to resolve this issue without Congress having to come back in a way such as the gentleman suggests. We want to give the President the opportunity to do the right thing. And we hope that he will.

Mr. STARK. Mr. Chairman, the President under the law cannot. You want him to break the law twice. He has been ordered by the judge to pay the fine. It is only us who can prevent it. So I am offering you the chance again. Let us prevent it. You and I right now, before we go home for dinner, we can solve this.

Mr. ARCHER. Mr. Chairman, if the gentleman will continue to yield, the President does have the opportunity to find nongovernment funds that can be used to pay this. He has access to all sorts of opportunities for nongovernment funds. The President today has announced that he is going to raise $10,000 per person to go into his defense litigation fund, and so clearly he has plenty of opportunities. And I think it would be a much simpler thing if he would resolve it in the right way, and then the Congress would not have to take any precise sanctionable action.

Mr. STARK. Mr. Chairman, that is like asking me to raise NEWT GINGRICH'S fine. And it is not going to happen, and the gentleman and I know it.

If in fact you are looking for the President to go out and give some hard-earned campaign funds to this issue, I think that that is what you should suggest. What you are trying to suggest is that the Republicans are doing something noble. You are not. You are coming up to the edge, but you do not have the nerve to make this a law. You do not, just like you are not solving the health care problems. You are talking about it, but you do not have the nerve. It is just like finding health insurance for children. You talk about it, but you do not have the nerve to do it. You are flimflamming the American people, and that is what this resolution is.

You are worried, Magaziner is no charm, but you are worse. You are worse because you have the chance to correct it now, and you are misleading the American people because you will not act, you do not have the guts, you do not have the nerve to do it. We are offering you that chance. And you will not take it. You are sitting there on your hands just wondering, what do we do now?

Come on, guys. If you want to legislate, legislate. But if you are afraid to, do not keep people up all night listening to this because the American public knows it is simple. It is very simple. This resolution has no force and effect. We, the Democrats, have offered you a unanimous consent request to make it law. It would happen just like that. No votes, no nothing. All you have to do is accept it, and you refuse.

So what are we doing but wasting money and time while you want to argue about some guy who we all agree was a useless addition to the health care debate. I submit that the American public will recognize that it is the Republicans who will not protect Americans from HMOs by giving them a bill of rights. It is the Republicans who are frustrating the chance to provide decent health care to early retirees. It is the Republicans who are not getting children the care they need. I think that that is a sad commentary on this Congress and its current leadership.

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

□ 1800

Mr. STARK. Mr. Chairman, I yield myself the balance of my time.

I am troubled, as Members may have realized, and we are doing this just to recap, I least of all would have any brief for Mr. Magaziner and whatever attempts he may have made at public service. I have no brief for people lying, whether it is Republican Presidents or Democratic Presidents or Secretary Schlesinger, Secretary Kissinger, I do not care, Ollie North. People should not lie. It does happen.

In this case, the administration apologized and recognized the error of its ways and it has been assessed legal fees to a bunch of right wing wacko doctors down south. And so if they want their $280,000, then let these Neanderthals collect it. And we can do that by, in fact, accepting my unanimous consent request to make this resolution binding.

I do not think my colleagues want to touch it. I think the Republicans are afraid that what they have done is so silly that it would cause more harm than good. We have offered to give it to them. We are offering it again. They can have it. They can win. Make it a law. Stop the taxpayers from having to pay the money.

But they do not dare. They do not dare. They are backing away. They are cowards. Come on. Here we are, we are willing to prevent it in a law, and they will not do it.

I think the American people, Mr. Chairman, have to recognize that the Republicans brought up this issue, they marched up the Hill and, when faced with no opposition, they raised the white flag of surrender and ran away from saving the very day that they tried to win. I say I think that defines the difference between the Republicans and the Democrats.

Mr. Chairman, I yield back the balance of my time.

Mr. HAYWORTH. Mr. Chairman, I yield myself the balance of my time to close the debate.

It is very interesting, Mr. Chairman, that just a short time ago my colleague from California came to me with an entreaty to maintain the civility and the smooth running procedures in this House and yet has attempted, perhaps, sadly, because the facts are not on his side, to goad this side of the aisle into some sort of debate when he starts his "mano a mano" type of talk, and then refers to right wing wackos and cowards.

Look, the situation is clear here, and despite all the name calling and the lack of civility, Mr. Chairman, that I hope our friends in the fourth estate noticed in the closing remarks of my colleague from California, despite all the incendiary verbiage, the facts are these: Members of the administration deceived this Congress and moved to deceive the American people. Their deceit has been found out. They have been fined. And American taxpayers should not foot that bill.

That is the sense of this Congress resolution. And all the insults hurled from across the aisle, and all the other entreaties to move to other forms of policy and change the subject are not germane.

In closing, Mr. Chairman, I would like to mention the hard work and efforts of the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Georgia (Mr. BARR) on their original investigation of the health care task force. I also want to mention the hard work of the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, on publishing the names on the list.

Let us mend this breach of trust. Pass the resolution.

Mr. LIVINGSTON. Mr. Chairman, I rise today in strong support of H.J. Res. 107 of which I am an original cosponsor. I also want to thank the gentleman from Arizona (Mr. HAYWORTH), for his leadership on this matter.

Contrary to the belief of many, the administration is actually considering using taxpayer dollars to pay a court ordered fine. A fine that resulted from a misstatement of fact—a lie—by the President's National Health Care Reform Task Force.

The resolution simply expresses the sense of Congress that the court ordered fine not be paid by the taxpayer.

The case centered primarily on the status of the Task Force's employees. Under the terms of the Federal Advisory Committee Act, the Task Force should of been comprised of "full-time officers or employees" of the federal government. It was not. The Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government.

The courts not only found the Task Force's declaration a misstatement, but also found that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force. The court awarded the Associations of American Physicians and Surgeons, the plaintiffs in the case, $285,864.78 for attorney's fees, costs and sanctions.

Well, the administration is now considering paying the fine with taxpayer dollars. The taxpayers of the United States, who work hard for their money and already send too much of it to Washington, should not be forced to send more of it to cover the deliberate dishonest actions of others.

I urge the adoption of the resolution.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the joint resolution is considered as having been read for amendment under the 5-minute rule.

The text of House Joint Resolution 107 is as follows:

H.J. RES. 107

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the President's Task Force on National Health Care Reform, convened by President Clinton in 1993, was charged with calling together officials of the Federal Government and others to debate critical health issues of concern to the American Public;

(2) the Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government;

(3) United States District Judge Royce C. Lamberth ruled in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force;

(4) Judge Royce C. Lamberth on the basis of such conduct ruled against the defendants and ordered them to pay $285,864.78 in attorneys' fees, costs, and sanctions for the plaintiffs; and

(5) American taxpayers should not be held responsible for the inappropriate conduct of Federal Government officials and lawyers involved with the Task Force.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.

The CHAIRMAN. The chairman of the Committee of the Whole may postpone a demand for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the joint resolution?

AMENDMENT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARDIN:

In section 1(1), insert after "American Public" the following: ", including the need for meaningful national quality standards for all group and individual health care plans and the need of individuals enrolled in such plans for access to an independent external appeals process which would ensure that treatment decisions are made by medical professionals whose only interest is to provide medically sound care".

In section 1, redesignate paragraphs (2) through (5) as paragraphs (3) through (6), respectively, and insert after paragraph (1) the following new paragraph:

(2) legislation has not been enacted to address such issues, including the specific needs identified in paragraph (1);

In section 2, insert after "It is the sense of Congress that" the following: "(1) legislation that provides meaningful national quality standards (such as those included in legislation introduced by Representative Norwood or by Representative Dingell) for all health care plans and assures enrollees in such plans access to an independent external appeals process (similar to that available to medicare beneficiaries) should be enacted in a timely manner, and (2)".

Mr. CARDIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HAYWORTH. Mr. Chairman, I reserve point of order against this amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. CARDIN. Mr. Chairman, this amendment is very clear. It deals with the same action that the underlining resolution deals with, and that is the action of the health care task force that the President constituted.

This amendment would make it clear in the sense of Congress that we want to consider on the floor as quickly as possible legislation that would provide national quality standards for health care plans.

I make specific reference to two bills, and I do that intentionally, one by the gentleman from Georgia (Mr. NORWOOD), a Republican, and one by the gentleman from Michigan (Mr. DINGELL), a Democrat, because I know that there is bipartisan support for quality standards for managed care programs. By the number of cosponsors of these bills, it is clear that the majority of the Members of this House want this body to take up standards to protect our consumers in managed care programs so that medical decisions can be made by medical professionals and not health insurance bureaucrats.

Now, the reason why I think this is so important to put on this sense of Congress resolution, and I will relay a story of someone who visited my office yesterday who was interested in an environmental bill and had a meeting with the Republican leadership and was told that it was unlikely that that bill could be brought up this year because there was not enough time. Mr. Chairman, we are in the second week of this session of Congress and we are already being told that because of the condensed schedule that the Republican leadership has brought forward that there will not be time to consider important legislation.

Well, let us go on record now to say that protecting our consumers who are in managed care programs is a priority that we want to deal with before Congress adjourns this year.

My amendment is simple. It adds to the sense of Congress resolution that we bring up basic consumer protection this year before we adjourn. Matters such as external appeal, so that consumers have a right to challenge a managed care operator as to whether health care is needed or not; matters such as access to emergency care, that I mentioned before, so that prudent layperson standards can be used so people can be reimbursed when they go to emergency rooms; to get rid of the gag rule so that doctors can talk to their patients without fear of conflicting the contract that they have with an HMO; antidiscrimination rules, so we do not discriminate against providers, that HMOs do not discriminate against providers.

And the list goes on and on and on. There is need now for this Congress to act. My amendment makes it clear that this Congress will take up that legislation.

I urge my colleagues to accept this amendment. It is a sense of Congress resolution. It makes it clear to the leadership that we want to take up and debate the issue this year. That is the least we can do as we debate this resolution, and I urge my colleagues to accept the resolution.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Arizona insist on his point of order?

Mr. HAYWORTH. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr HAYWORTH. I make a point of order against this amendment, Mr. Chairman, on the grounds that it is not germane to the joint resolution. Now, it is a good attempt to try to change the subject, and certainly we all agree that health care is a vital issue that we should debate but, Mr. Chairman, the amendment is not germane to this joint resolution.

The fundamental purpose or common thread in the joint resolution is very narrow. It is limited to expressing the sense of Congress on the fine imposed on government officials for conduct on the President's health care task force. It does not concern the subject matter of health care matters generally, therefore, the amendment is outside the scope of the bill and is, therefore, not germane.

I urge the Chair to sustain this point of order.

The CHAIRMAN. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. CARDIN. Mr. Chairman, I do. My amendment has the same fundamental purpose as the resolution before us. The fundamental purpose has a longstanding test of germaneness by this body.

The resolution addresses the actions of the health care task force, so does my amendment. It was one of the major issues before the health care task force that we return to medical professionals the right to make decisions about our health, and that we should be able to express ourselves against insurance company bureaucrats making those judgments rather than health care professionals.

It is the same fundamental purpose as the underlining resolution, and I urge the Chair to rule in favor of germaneness.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from Arizona has made a point of order that the amendment offered by the gentleman from Maryland is not germane to the resolution.

The joint resolution, H.J. Res. 107, proposes to express a sense of Congress that the award of attorneys' fees, costs and sanctions ordered by a Federal judge should not be paid by taxpayers' funds.

The amendment proposes to express the sense of Congress on the duties of a Presidential task force referenced in the resolution. The amendment also proposes that specified health care legislation pending in Congress should be enacted into law in a timely manner.

Clause 7 of rule XVI of the rules of the House require that amendments be germane to the proposition to which it is offered. One of the general principles of the germaneness rule is an amendment must relate to the subject matter under consideration. This principle is recorded on page 611 of the House Rules and Manual. The pending resolution focuses on the source of payment of various charges ordered by a Federal Court judge in a specific court case. By contrast, the amendment addresses the enactment of specific legislative proposals currently pending in Congress. In the opinion of the Chair, the enactment of specific health care legislation by the Congress falls outside the ambit of a resolution focusing on a source of payment for charges resulting from a court case.

The resolution, H.J. Res. 107, as introduced, was referred solely to the Committee on the Judiciary. The health care policy legislation addressed in the amendment offered by the gentleman from Maryland does not fall within the jurisdiction of that committee. An amendment concerning a subject matter outside the committee of jurisdiction of the pending bill may not be germane.

For the reasons stated, the Chair finds that that amendment is not germane and the point of order is sustained.

Are there further amendments to the joint resolution?

AMENDMENT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. CARDIN:

On page 3, strike all of section 2 and insert the following:

"Section 2. No Payment of Award by Taxpayers.

The award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et. al. versus Hillary Rodham Clinton, et. al., shall not be paid with taxpayer funds."

Mr. CARDIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

POINT OF ORDER

Mr. HAYWORTH. Mr. Chairman, I make a point of order against the amendment on the grounds it is not germane to the joint resolution.

The CHAIRMAN. The gentleman from Arizona has made a point of order. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. CARDIN. Mr. Chairman, I do. And since we cut off the reading, let me explain what the amendment does and why. It is in compliance to the Chair's most recent pronouncement on my previous amendment.

What this amendment does is what the gentleman from California (Mr. STARK) tried to do by unanimous consent.

Mr. HAYWORTH. Regular order, Mr. Chairman.

The CHAIRMAN. The Chair will entertain brief comments on the point of order from the gentleman from Maryland, and would ask that the gentleman from Maryland confine his remarks to the point of order made by the gentleman from Arizona.

Mr. CARDIN. Mr. Chairman, I was trying to do that. The amendment deals with the payment of counsel fees. The Chair just ruled on the previous amendment that it was not germane because it did not deal with counsel fees.

My amendment has the same fundamental purpose as the resolution before us. Fundamental purpose has a longstanding test of germaneness. The resolution addresses the action of the health care task force, so does my amendment. The resolution suggests how the payment of attorneys' fees in this case should be resolved, so does my amendment. My amendment changes the sense of Congress resolution to make it effective; to change it into law. It has the same underlining purpose.

The people who have spoken on behalf of the resolution all have said that its underlying purpose is identical to what this amendment would do. Therefore, the test of germaneness has been met.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from Arizona has made a point of order that the amendment offered by the gentleman from Maryland (Mr. CARDIN) is not germane.

H.J. Res. 107, again expresses the sense of the Congress that the award of attorneys' fees, costs and sanctions ordered by a Federal judge in a specific case should not be paid with taxpayers' funds. The amendment would convert the joint resolution from an expression of congressional sentiment to a legislative prohibition on the use of Federal funds for that purpose.

The Chair finds guidance in two relevant precedents. Under the precedent carried at section 6.20 of volume 10 of Deschler-Brown Precedents, to a bill extending the advisory functions of a governmental agency charged with conducting voluntary programs to resist inflation, an amendment directing the issuance of orders and regulations stabilizing economic transfers was held not germane.

□ 1815

Order the precedent carried at section 30.22 of volume 11 of Deschler-Brown Precedents to a section of the bill stating the Congressional intent of

proposed legislation, an amendment to insert a further statement of intent was held to be germane.

Central to the Chair's ruling in that case was the view that the amendment was merely an indication of Congressional intent and "not binding on anybody."

The Chair is unable to interpret the amendment in this case as similarly not binding but rather is of the opinion that the amendment is intended to prohibit the use of Federal funds as a matter of law.

Therefore, the precedents cited earlier are relevant in supporting a decision finding that the amendment is not germane. The Chair sustains the point of order.

Are there further amendments to the joint resolution?

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

I certainly understand the Chair's rulings on my past two amendments. I am disappointed by the rulings. But I am more disappointed by my friend, the gentleman from Arizona (Mr. HAYWORTH), raising points of order against these amendments. If he had not raised points of order, we could have either changed this resolution from a sense of Congress to a law and we could have tested whether we were sincere in what we are trying to do today.

And on the other amendment, if my colleague had not raised that point of order, we could have at least told the people of this country, the taxpayers of this country, which this resolution is aimed at, that we will take up this year consumer protection and managed care and health care.

The President's task force was aimed at maintaining and improving quality of care for all Americans. That was the central purpose of the task force. My amendment would have made it clear that we wanted to bring up this year quality assurances in managed care programs.

I regret that my friend from Arizona raised a point of order. But I would hope that the Republican leadership in this House will give us some commitment that we will have time to debate this very important issue on the floor of this House and then let the majority rule. Let us have an open debate. Give us an opportunity to take up these issues so that the American people know where we stand on the very important issues as to whether medical personnel should make medical decisions or insurance company bureaucrats.

I urge my colleagues to support efforts to bring these matters to the floor. The Chair's ruling confirms that this resolution does absolutely nothing. If it did something, according to the Chair, my amendment would have been made in order. I regret that. And I hope we will have another day in order to argue these issues.

The CHAIRMAN. Are there further amendments to the joint resolution?

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARK:

On page 3, line 7, strike "." and insert ", and further, it is the sense of the Congress that Speaker Newt Gingrich and his staff should not be paid with taxpayer funds for any time that they spent convened behind closed doors with lobbyists plotting to block legislation improving health insurance and health quality for the American people."

POINT OF ORDER

Mr. HAYWORTH. Mr. Chairman, again I would make a point of order against the amendment.

The CHAIRMAN. The gentleman from Arizona will state his point of order.

Mr. HAYWORTH. Mr. Chairman, I make a point of order against the amendment on the grounds that it is not germane to the joint resolution.

Again, despite our best efforts to maintain civility, this amendment is just totally improper. It is not germane to the joint resolution.

As we know, the fundamental purpose or common thread in this joint resolution is very narrow. It is limited to expressing the sense of Congress on the fine imposed on Government officials for conduct on the President's Health Care Task Force. Therefore, this amendment, once again, is outside the scope of the bill and is, therefore, not germane.

Again, I would urge the Chair to sustain this point of order.

The CHAIRMAN. Does the gentleman from California (Mr. STARK) wish to be heard on the point of order?

Mr. STARK. Yes, Mr. Chairman, of course.

The amendment is germane. It draws on the language of paragraph 2 in section I and extends the very purpose of the resolution to similar actions by Members of Congress.

I believe that the Parliamentarian will find that Speaker Muhlenberg, during the Whiskey Rebellion of 1793, had a precedent, saying, "Sauce for the goose is sauce for the gander." And I think Speaker Clay, in dealing with the war in 1812, said, "Take no prisoners and lie about it."

So that, I believe, this is indeed germane. I hope that the Chairman will find it so.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered concerns subject matter not addressed in the underlying resolution. Specifically, the amendment addresses persons not touched upon in the underlying resolution. For these reasons, the amendment is not germane; and, accordingly, the point of order is sustained.

Are there further amendments to the joint resolution?

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARK:

On page 3, line 7, strike the "." and insert the following: ", and since the Task Force failed to develop a plan to ensure access of all Americans to affordable health care similar in scope to the type of health insurance available to Members of Congress, the United States Congress should develop, pass, and submit such a plan to the President of the United States prior to August 1, 1998."

POINT OF ORDER

Mr. HAYWORTH. Mr. Chairman, I make a point of order against the amendment on the grounds that it is not germane to the resolution.

The CHAIRMAN. The gentleman makes a point of order.

Does the gentleman from California wish to be heard on his point of order?

Mr. STARK. Yes, Mr. Chairman, I would like to be heard.

I believe, Mr. Chairman, that this amendment is germane. It refers to the work of the task force, which is still uncompleted and, instead of concentrating on the mistakes of 4 years ago, calls on Congress to help all Americans obtain health security. Members, we in the Congress, have excellent health insurance; and we should support similar coverage for our constituents.

It is, after all, the nexus of what this whole resolution is about, is the issue of the task force and why it failed; and I think that it should indeed be included so that we show our resolve to show all Americans that they should have at least as good health insurance as they are paying for us Members of Congress.

The CHAIRMAN. The Chair is prepared to rule on the point of order by the gentleman from Arizona.

As mentioned in the Chair's earlier ruling, the pending joint resolution expresses a sense of Congress with respect to the award of attorneys' fees, costs, and sanctions ordered by a particular court. For the reasons stated by the Chair on the first amendment offered by Mr. Cardin of Maryland, the pending amendment urging development of a health care proposal is not germane as addressing matters not addressed in the underlying joint resolution. The point of order is sustained.

Are there further amendments to the joint resolution?

Mr. STARK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that the amendments that have been offered, with the anticipation that they would be denied the opportunity for debate, should illustrate to the American people what we have tried to suggest here.

There is, in fact, no question that there was a serious breach of behavior on part of the administration, for which they apologized and a Federal judge assessed legal costs; and we have agreed that the American taxpayers

should not pay for it. And the Democrats have offered as an amendment, as a unanimous consent request, a concrete, absolute way to see that that is denied.

My colleagues, on the other hand, have ducked that and not wanted to. Perhaps they wanted to see how it will twist in the wind a little longer.

Secondly, the other amendments have called attention to the American people that, while the President has sought to extend health care to the 40-plus million Americans who do not have it, to provide health care coverage or access at no cost to the Federal Government and at no cost to anyone else, to the early retirees, to extend health care to children, to give people who are in managed-care plans the protection from the egregious actions of the for-profit insurance companies by denying them access to emergency room care, by denying young children needed medical procedures which could save their lives, and then having these same corporate plans hide behind the skirts of ERISA as they attempt to avoid liability.

And while the Republican leadership has refused to support Dr. Norwood's bill which would accomplish this and has bipartisan support and has more than enough cosponsors to pass this House, it shows that it is the Republican leadership that is conspiring with the lobbyists in secret to keep the American people from getting the managed care protection they need, from getting the health care they need at a reasonable cost and indeed getting fair treatment by this Congress. Because that fair treatment is being denied by the Republican leadership.

Mr. Chairman, with that unhappy assessment of this rather waste of time of a resolution, I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to the joint resolution?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLILEY) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J.Res. 107) expressing the sense of Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Court Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds, pursuant to House Resolution 345, he reported the bill back to the House.

The SPEAKER pro tempore (Mr. BLILEY). Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ISTOOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 273, nays 126, not voting 31, as follows:

[Roll No. 7]

YEAS—273

Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller (FL)
Minge
Mink
Moran (KS)
Morella
Murtha
Myrick
Neumann
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—126

Ackerman
Allen
Andrews
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Engel
Fazio
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Gordon
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
King (NY)
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Lowey
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Stark
Stokes
Stupak
Tauscher
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey

NOT VOTING—31

Abercrombie
Aderholt
Bartlett
Becerra
Bereuter
Bonior
Borski
Delahunt
Dellums
Dicks
Eshoo
Farr
Fattah
Frank (MA)
Gekas
Gonzalez
Goodling
Hall (OH)
Herger
Hinojosa
McKeon
Nethercutt
Ney
Pickering
Sánchez
Schiff
Souder
Spratt
Talent
Whitfield
Yates

□ 1845

Mr. POSHARD changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was not present to vote on Roll Call Vote #7

H.J. Res. 107, concerning attorneys fees, costs, and sanctions payable by the White House health care task force. If I had been present I would have voted aye.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, I was unavoidably detained on February 4, 1998 for the vote on H.J. Res. 107, Fees and Sanctions Relating to Health Care Task Force. Had I been present, I would have voted 'aye.'

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 107.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. BUNNING. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1415.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1575, RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-414) on the resolution (H. Res. 349) providing for consideration of the Senate bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport," which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2552

Mr. BACHUS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2552.

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

There was no objection.

REPORT CONCERNING CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-207)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 31, 1997, concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

Executive Order 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a United States person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution (UNSCR) 661 of August 6, 1990.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 and matters relating to Executive Orders 12724 and 12817 (the "Executive Orders"). The report covers events from August 2, 1997, through February 1, 1998.

1. In April 1995, the U.N. Security Council adopted UNSCR 986 authorizing Iraq to export up to $1 billion in petroleum and petroleum products every 90 days for a total of 180 days under U.N. supervision in order to finance the purchase of food, medicine, and other humanitarian supplies. UNSCR 986 includes arrangements to ensure equitable distribution of humanitarian goods purchased with UNSCR 986 oil revenues to all the people of Iraq. The resolution also provides for the payment of compensation to victims of Iraqi aggression and for the funding of other U.N. activities with respect to Iraq. On May 20, 1996, a memorandum of understanding was concluded between the Secretariat of the United Nations and the Government of Iraq agreeing on terms for implementing UNSCR 986. On August 8, 1996, the UNSC committee established pursuant to UNSCR 661 ("the 661 Committee") adopted procedures to be employed by the 661 Committee in implementation of UNSCR 986. On December 9, 1996, the President of the Security Council received the report prepared by the Secretary General as requested by paragraph 13 of UNSCR 986, making UNSCR 986 effective as of 12:01 a.m. December 10, 1996.

On June 4, 1997, the U.S. Security Council adopted UNSCR 1111, renewing for another 180 days the authorization for Iraqi petroleum sales and purchases of humanitarian aid contained in UNSCR 986 of April 14, 1995. The Resolution became effective on June 8, 1997. On September 12, 1997, the Security Council, noting Iraq's decision not to export petroleum and petroleum products pursuant to UNSCR 1111 during the period June 8 to August 13, 1997, and deeply concerned about the resulting humanitarian consequences for the Iraqi people, adopted UNSCR 1129. This resolution replaced the two 90-day quotas with one 120-day quota and one 60-day quota in order to enable Iraq to export its full $2 billion quota of oil within the original 180 days of UNSCR 1111. On December 4, 1997, the U.N. Security Council adopted UNSCR 1143, renewing for another 180 days, beginning December 5, 1997, the authorization for Iraqi petroleum sales and humanitarian aid purchases contained in UNSCR 986. As of January 2, 1998, however, Iraq still had not exported any petroleum under UNSCR 1143. During the reporting period, imports into the United States under this program totaled about 14.2 million barrels, bringing total imports since December 10, 1996, to approximately 23.7 million barrels.

2. There have been two amendments to the Iraqi Sanctions Regulations, 31 C.F.R. Part 575 (the "ISR" or the "Regulations") administered by the Office of Foreign Assets Control (OFAC) of the Department of Treasury during the reporting period. The Regulations were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 C.F.R. Part 501) dealing solely with such procedural matters (62 Fed. Reg. 45098, August 25, 1997). A copy of the amendment is attached.

On December 30, 1997, the Regulations were amended to remove from appendices A and B to 31 C.F.R. chapter V the name of an individual who had been determined previously to act for or on behalf of, or to be owned or controlled by, the Government of Iraq (62 Fed. Reg. 67729, December 30, 1997). A copy of the amendment is attached.

As previously reported, the Regulations were amended on December 10, 1996, to provide a statement of licensing policy regarding specific licensing

of United States persons seeking to purchase Iraqi-origin petroleum and petroleum products form Iraq (61 Fed. Reg. 65312, December 11, 1996). Statements of licensing policy were also provided regarding sales of essential parts and equipment for the Kirkuk-Yumurtalik pipeline system, and sales of humanitarian goods to Iraq, pursuant to United Nations approval. A general license was also added to authorize dealings in Iraqi-origin petroleum and petroleum products that have been exported from Iraq with United Nations and United States Government approval.

All executory contracts must contain terms requiring that all proceeds of oil purchases from the Government of Iraq, including the State Oil Marketing Organization, must be placed in the U.N. escrow account at Banque Nationale de Paris, New York (the "986 escrow account"), and all Iraqi payments for authorized sales of pipeline parts and equipment, humanitarian goods, and incidental transaction costs borne by Iraq will, upon approval by the 661 Committee and satisfaction of other conditions established by the United Nations, be paid or payable out of the 986 escrow account.

3. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. Several cases from prior reporting periods are continuing and recent additional allegations have been referred by OFAC to the U.S. Customs Service for investigation.

On July 15, 1995, a jury in the Eastern District of New York returned a verdict of not guilty for two defendants charged with the attempted exportation and transshipment to Iraq of zirconium ingots in violation of IEEPA and the ISR. The two were charged in a Federal indictment on July 10, 1995, along with another defendant who entered a guilty plea on February 6, 1997.

Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to OFAC's listing of individuals and organizations determined to be Specially Designated Nationals (SDNs) of the Government of Iraq.

Since my last report, OFAC collected civil monetary penalties totaling more than $1.125 million for violations of IEEPA and the ISR relating to the sale and shipment of goods to the Government of Iraq and an entity in Iraq. Additional administrative proceedings have been initiated and others await commencement.

4. The Office of Foreign Assets Control has issued hundreds of licensing determinations regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Specific licenses have been issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes, sales of humanitarian supplies to Iraq under UNSCR 986 and 1111, diplomatic transactions, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq, and the protection of preexistent intellectual property rights in Iraq. Since my last report, 88 specific licenses have been issued, most with respect to sales of humanitarian goods.

Since December 10, 1996, OFAC has issued specific licenses authorizing commercial sales of humanitarian goods funded by Iraqi oil sales pursuant to UNSCR 986 and 1111 valued at more than $239 million. Of that amount, approximately $222 million represents sales of basic foodstuffs, $7.9 million for medicines and medical supplies, $8.2 million for water testing and treatment equipment, and nearly $700,000 to fund a variety of United Nations activities in Iraq. International humanitarian relief in Iraq is coordinated under the direction of the United Nations Office of the Humanitarian Coordinator of Iraq. Assisting U.N. agencies include the World Food Program, the U.N. Population Fund, the U.N. Food and Agriculture Organization, the World Health Organization, and UNICEF. As of January 8, 1998, OFAC had authorized sales valued at more than $165.8 million worth of humanitarian goods during the reporting period beginning August 2, 1997.

5. The expenses incurred by the Federal Government in the 6-month period from August 2, 1997, through February 1, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about $1.2 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of International Organization Affairs, the Bureau of Political-Military Affairs, the Bureau of Intelligence and Research, the U.S. Mission to the United Nations, and the Office of the Legal Adviser), and the Department of Transportation (particularly the U.S. Coast Guard).

6. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with relevant United Nations Security Council resolutions. Iraqi compliance with these resolutions is necessary before the United States will consider lifting economic sanctions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, Iraqi recognition of Kuwait and the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access of international relief organizations to all those in need in all parts of Iraq. Seven and a half years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to return Kuwaiti property worth millions of dollars, including military equipment that was used by Iraq in its movement of troops to the Kuwaiti border in October 1994; sponsorship of assassinations in Lebanon and in northern Iraq; incomplete declarations to weapons inspectors and refusal to provide immediate, unconditional, and unrestricted access to sites by these inspectors; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Baghdad government continues to violate basic human rights of its own citizens through systematic repression of all forms of political expression, oppression of minorities, and denial of humanitarian assistance. The Government of Iraq has repeatedly said it will not comply with UNSCR 688 of April 5, 1991. The Iraqi military routinely harasses residents of the north, and has attempted to "Arabize" the Kurdish, Turkomen, and Assyrian areas in the north. Iraq has not relented in its artillery attacks against civilian population centers in the south, or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring states.

The policies and actions of the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. The U.N. resolutions affirm that the Security Council be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it

from threatening peace and stability in the region.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1998.*

IN SUPPORT OF HMO REFORM

(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, too, rise to support the patient bill of rights and reform of HMOs because I believe it will help create a better health care system in this country.

Today as well I rise to support another project supported so strongly by our First Lady Hillary Clinton, and that is to commemorate the one-year anniversary of the Microcredit Summit, an international conference held here in Washington last year. The summit launched a campaign to provide 100 million of the world's poorest families with credit for self-employment and other businesses and financial services by the year 2005. This, in fact, was not a handout but a hand up. This House passed that Microcredit for Self-reliance Act last year to assist in that endeavor.

Microenterprises are very small, informally organized businesses, other than those that grow crops. Microenterprises often employ only one person, the owner-operator, but in some lower-income countries microenterprises employ a third or more of the labor force. The microenterprise program is targeted at the poor, seeking to help then increase their income and assets, raise their skills and productivity, increase their pride and self-esteem. It helps mostly women.

I am here to support this program and hope the Congress will continue to fund it and applaud the First Lady for her vision in helping the world improve their lives and conditions.

Microcredit is particularly important because more than ninety percent of microcredit loans go to women, who are, along with children, hardest hit by poverty. The small loans enable women to open their own businesses and, ideally, increase their independence and status in male-dominated cultures.

The positive effects of the microenterprise program cannot be minimalized. Access to microcredit helps to educate women. It raises their income level and, thus, that of their families. It has been well-documented that education women have fewer children, have more time between births, and therefore, have fewer health problems and have healthier children.

On this one-year anniversary of their convention, I commend the thousands of delegates who came together at the Microcredit Summit, dedicated to improving the lives of our world's poor. I applaud not only the significant work that has been done, but that that is yet to come. I join other Members of this body in encouraging expansion of the Microenterprise program, particularly throughout Africa. No segment of the world's unfortunately enormous, poverty-stricken population should be denied the incredible opportunities this program provides.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LUCAS of Oklahoma). 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.

THE BIPARTISAN CAMPAIGN INTEGRITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, I rise today to speak in support of the Bipartisan Campaign Integrity Act, which is H.R. 2183. I want to express my thanks to the Speaker and to the leadership of this body for the action they took before we went home at the end of the first session in which they promised that we would have a vote in this House of Representatives on this floor in March on campaign finance reform.

I think this is a significant step that takes this body with the American people to reforming our campaign finance system that has led to so many abuses during the last election cycle. So I am grateful for the leadership of this body and their commitment, although it does not answer all of the problems. There is still a division as to exactly what we need to offer, but we need to address soft money, and that is understood by the leadership, as well as those who are committed to reform in this body.

So as momentum grows in America for campaign finance reform, I am delighted that the momentum is also growing for the Bipartisan Campaign Integrity Act. This last week we added 3 new cosponsors to this legislation. There are now 74 sponsors of the Bipartisan Campaign Integrity Act. Republicans and Democrats alike from all areas of the political spectrum can support this legislation because it is bipartisan, because it avoids the extreme, and it moves to what we can agree upon in the area of campaign finance reform, and that is really the criteria for reform that might be able to pass this bipartisan body.

I was encouraged this last week that we had the support of 189 former Members of Congress for campaign finance reform legislation. They came out and indicated their support for the proposals of former Presidents Bush, Carter and FORD, expressing the need and hope for campaign finance reform legislation that includes a ban on soft money. This range of former Members of Congress goes from Howard Baker to Mark Hatfield to Alan Simpson, to Bob Michel on the Republican side, Rudy Boschwitz, Brock Adams, Mickey Edwards, to David Pryor on the Democrat side, George McGovern, Howell Heflin, Alan Cranston, and so on. And so former Members of this body who have been taken back from the fray of politics here in the Congress can step back and say, we need this reform and they support it wholeheartedly.

So momentum is building in America for reform, but it is also building in this body and the support for the Bipartisan Campaign Integrity Act is also growing.

What does this legislation do? First of all, it bans soft money to the national political parties, and this must be the linchpin of any significant reform legislation. This last week Charlie Trie was arrested. He submitted himself after the indictment was returned, and what happened? What are the allegations? They involve the chase, the inexplicable, inordinate, exaggerated chase of soft money during the last election cycle, and that is what led to the abuses that we saw, that was revealed so extensively in Senator THOMPSON's hearings. So this proposal bans soft money to the national political parties.

The second thing it does, it indexes contribution limits to the rate of inflation, and this is important. An individual's contribution does not lose value, but it gradually increases as inflation increases. So this is important to individuals to keep the value of their contribution.

The third thing it does is that it helps the political parties to raise the honest money, the hard dollars, the individual contributions, and we need to help the political parties whenever we accompany it by a ban on soft money to them.

The fourth thing that it does is it increases disclosure, or it increases information to the American public. It increases information that is available to them on how much candidates spend, on where they get their contributions, more timely disclosure. When it comes to issue groups that influence our political process, it increases information available to the public as to who the group is and how much money they are spending if it is on radio or television. That is what is Constitutional; that is what the courts will allow us to do in a constitutional framework without violating anyone's freedom of speech. That is what the legislation does. It is very simple, straightforward and bipartisan.

What is unique about this legislation that sets it apart from other items of legislation that are being offered in this body? First of all, it is the result of a bipartisan process. We as freshmen, the Democrats and Republicans, met together for 4 months coming up with this legislation. The gentleman

from Maine (Mr. ALLEN) was my Democrat counterpart that worked so diligently on this, and the gentleman from Montana (Mr. HILL) I see here in this body that supports this and helped us produce this. So it is unique legislation, we have worked hard on it, we are grateful to the leadership for giving us the encouragement and bringing this to a vote in March on the floor.

BIPARTISAN CAMPAIGN INTEGRITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, I want to join my friend and colleague, the gentleman from Arkansas (Mr. HUTCHINSON) in rising today to speak about the Bipartisan Campaign Integrity Act. I first want to acknowledge the hard work and leadership that he has provided in helping us bring this measure forward. This process started out with 6 freshmen Republicans, 6 freshmen Democrats who decided to form a task force, study the problems with campaign finances, and definitely a bipartisan proposal and a bipartisan solution to the problem. Mr. HUTCHINSON has provided outstanding leadership in helping us bring it this far. From that group of 12 people, we now have 74 cosponsors of the Bipartisan Campaign Integrity Act.

I want to remind my colleagues what the problem is. The problem that we have is soft money. Soft money is out of control. Just 4 years ago, 5 years ago now, both political parties, Democrats and Republicans, raised about $35 million in soft money. In the last campaign cycle, they raised about $270 million in soft money. Labor unions added over $100 million more to the process. Soft money is out of control. All we have to do is read the headlines about the problems that are going on in the White House, or in both political parties, and the influence that labor unions and corporations have over the political process now because of the excesses of soft money.

□ 1900

I want to remind my colleagues what soft money is, because as candidates we cannot accept soft money. What soft money is is funds that come from corporations, from labor union dues, and wealthy individuals that is in excess of contribution limits that they can make now.

Substantially, this money is unreported. We do not know where it comes from and, for the most part, we do not know how it is spent. But we can ban soft money in our political parties and not limit the right of individuals to speak out on issues.

As candidates, we are affected by soft money, because independent groups often spend huge sums of money to try to influence the political process, either in support of where we stand or in opposition to where we stand.

What can we do? Well, we can begin by supporting the bipartisan Campaign Integrity Act. It bans soft money, and it does make it easier to raise the good money, which we call hard money.

We also need to make sure that workers have the right to choose whether or not they want to contribute to the political process and to protect them from those abuses by supporting the Paycheck Protection Act, and we can give members of other organizations that same right of protection.

Mr. Speaker, the American people want us to reform campaign finance; and if we talk to the Members of this House privately, they all believe that we need to reform it and that we ought to reform it. The problem is that the majority of the American people doubt that we actually have the courage and the conviction to get it done.

Mr. Speaker, I would urge my colleagues today to join as cosponsors of the bipartisan Campaign Integrity Act and the Paycheck Protection Act. We need to ban soft money. We need to protect workers. We can do this job when this comes to the floor in 6 weeks. I urge my colleagues to support it.

STOP MEDICARE OVERPAYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise to request my colleagues' support for legislation I introduced yesterday to save the Medicare program almost half a billion dollars a year in unnecessary overpayments for prescription drugs.

As the only pharmacist in the 105th Congress, let me first state that the price of these drugs is not due to the family pharmacist. The high price is set by the pharmaceutical manufacturers.

Making the situation even worse, under current Medicare law, the program reimburses doctors who prescribe covered drugs for 95 percent of the "sticker price" quoted by pharmaceutical manufacturers, rather than the actual cost to the doctor of acquiring the drug.

Furthermore, Medicare pays doctors for the cost of their expenses, overhead, consultation time, and for administering the drugs under the practice expense system, not to mention the close to $7 billion that Medicare spends each year to educate our Nation's doctors.

A recent analysis by the Department of Health and Human Services Inspector General shows that Medicare is wasting millions each year under the current system, $447 million alone in 1996.

Our patients deserve better. The Stop Medicare Overpayment Act, based on the President's fiscal year 1999 budget and included in a comprehensive antifraud proposal introduced by the gentleman from California (Mr. STARK) last year, will go a long way toward establishing a fair and adequate payment system.

The Stop Medicare Overpayment Act is simple: Reimburse the doctors for what they paid for the drug. They already get paid for their office overhead, dispensation and "professional services" through the Medicare system. Why allow a small group of persons to reap a $447 million windfall benefit each year?

Seventy-five percent of the cost of these overpayments are coming directly out of the taxpayers' wallet. Twenty-five percent come directly from senior citizens who are forced to pay a higher Part B premium.

My legislation will go a long way toward ending these overpayments. Unfortunately, it will not do anything to address the root of this problem: the high cost of prescription drugs charged by pharmaceutical companies.

It is indeed unfortunate that here in the world's richest nation our seniors should be forced to choose between buying food or buying prescription drugs and that our pharmacies should be discriminated against by drug manufacturers.

As Congress considers ways in which to reduce the $23 billion in Medicare fraud and abuse, my legislation should be first on the list. It is a sensible, responsible, and prudent approach to rein in unnecessary Medicare costs.

I urge my colleagues to join me in support of this important initiative.

TRIBUTE TO OFFICER DAVID LYON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, too often in Washington and in our districts we are greeted with news stories of public apathy and senseless death. It seems that we are constantly bombarded with accounts that reflect negatively upon humanity.

When we do hear stories of people selflessly helping their fellow man, they are few and far between. For that reason, I would like to take a moment to commend David Lyon, a 2½ year veteran of the U.S. Capitol Police Force.

At around 7 p.m. on January 18, Officer Lyon, who was off duty, was suddenly startled by the sound of a car careening into the river near his home on the Washington waterfront. Without hesitation, he dove into the frigid, winter-chilled water and saved the life of one of the vehicle's passengers.

Like his neighbor, Mr. Courtney Thomas, who saved the other passenger, Officer Lyon displayed enormous character and selflessness.

When confronted with someone in need, Officer Lyon unhesitatingly lent a hand; and his valor should be recognized and applauded.

As a United States Congressman, I am proud that Officer Lyon is part of the distinguished U.S. Capitol Police Force; and, as an ordinary American, I am proud that he showed such concern for his fellow man.

I think it is important to note that the Capitol Police Force who man security around this building are of the finest caliber and quality. They do serve the public and the people of the United States of America in not only protecting our guests and visitors, which number in the millions on an annual basis, but also the property that we consider sacred, this Chamber, the monuments that surround this wonderful complex.

So it is not just Officer Lyon that I speak of today who deserves a great deal of thanks from this body and from all citizens of the United States for his bravery in this very unique and wonderful opportunity to help a fellow human being but, more importantly, that we salute all members of law enforcement, both our Capitol Police Force and those that serve around our country.

Mr. Speaker, it is a very, very dangerous job. Many men and women who don uniforms and the badges that they wear go out of their homes and oftentimes their families do not know whether, in fact, they will return safely because of the dangers of just doing their job.

They are not the best paid in our society. In fact, they are paid far too little for the job that they do protecting the civil order of our country.

So tonight in this Chamber in our Nation's Capitol, I salute Officer Lyon for his bravery; and I salute every member of the U.S. Capitol Police Force for their protection of this great Capitol of ours and also all men and women throughout the Nation who honor us by service as law enforcement personnel for this country of ours.

TRIBUTE TO THE HONORABLE RON DELLUMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DIXON) is recognized for 5 minutes.

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to a gentleman who is leaving this House on this weekend. It is the Honorable RON DELLUMS from Oakland, California.

RON DELLUMS is a very unique person. We could see from the special orders last night that this gentleman, although he may have political differences with many in this House, became a friend to all in this House.

He is unique in that few people can leave this House and say they have made a real contribution to the security of our country. RON DELLUMS has fought diligently for the reduction of defense budgets and has won that battle.

Few of us can say that we have done much to spread democracy around the world, but his diligence has been proved in Grenada, in Haiti and in South Africa that he has made his mark for democracy and to free all people.

He is unique in that most Members of this House consider him a personal friend. We should be happy for RON DELLUMS making the decision, for he leaves this House with good health and his integrity, and he leaves this House with a mark of pursuing justice for all people.

So I say to you, RON: Godspeed. You have made your mark here in Congress, and we know that you will continue to serve your country well.

Mr. Speaker, I rise today in honor of my good friend and long-time colleague, RON DELLUMS. RON has served the people of California's Ninth Congressional District honorably, ably, and with great distinction. He is a powerful champion of the progressive cause who has been at the forefront of many important efforts—from dismantling apartheid to instituting humane social policy. At a time when debate in this body has become acrimonious and at times uncivil, the loss of RON's thoughtful, respectful, calming presence will be widely felt. His voice in this chamber will be sorely missed by this member and this institution.

A product of Oakland, CA, RON DELLUMS is not only a prominent legislator, but an outstanding role model for the young people of his Northern California district. RON rose to his present stature through hard work and dedication to his beliefs and goals. Following service in the U.S. Marine Corps, RON attended Oakland City College where he received an associate of arts degree. RON went on to earn a bachelor of arts degree at San Francisco State University and a master of social welfare degree at the University of California at Berkeley. Upon graduation from Berkeley, RON embarked on a career in social work, job training, and community development. In 1967, he ran successfully for the Berkeley City Council, winning in his first foray into electoral politics. Three years later, in 1970, he was elected to the U.S. House of Representatives.

RON DELLUMS' tenure on the Armed Services—now National Security—Committee is indicative of his rise in the House. RON came to the House a strong and outspoken opponent of American involvement in Vietnam and has continued through 26 years to strongly advocate reduced defense spending. RON saw governmental neglect of the educational, economic and health needs of the urban population as a significant threat to our national security. Twenty-two years later, Chairman DELLUMS was presiding over the full Armed Services Committee in the 103rd Congress.

Some in this House were wary when RON became Chairman of Armed Services, but he soon put those reservations to rest. He set an example for fairness from which all members can take a lesson.

While his views on defense spending differed from many of his colleagues, RON faithfully constructed and reported defense authorization bills that reflected the will of his committee and of the House.

RON's leadership in the effort to end apartheid in South Africa stands as just one of his numerous accomplishments during his distinguished House career. Starting in 1971, his first year in the House, RON consistently introduced bills to impose economic sanctions on the brutally racist apartheid government of South Africa. Fifteen years later, in 1986, Congress enacted South African sanctions over President Reagan's veto. I am proud to have worked with my colleague toward that end, and again commend his leadership on the issue.

Throughout his service in this body, Representative RON DELLUMS has earned the respect, admiration, and friendship of many members on both sides of the aisle. He has witnessed great changes, in the world, the nation, and certainly in this institution. Despite these changes, he has remained steadfast and loyal to his beliefs that our nation must care for all of her citizens if she is to survive as a nation. His has been the moral conscience of a Congress that too often has lost sight of the impact of our policies on all of humankind. As he leaves this institution, he leaves us with a legacy and a mandate to continue our advocacy for peace and for the welfare of all our citizens. His contributions to the House of Representatives, through his intellect, dedication, integrity, and collegiality cannot be overstated. While I regret the loss of a distinguished colleague, I wish RON DELLUMS great happiness and success in his future endeavors.

CONDOLENCES TO THE FAMILY OF DR. THOMAS KILGORE

Mr. DIXON. Mr. Speaker, it is also my duty to inform the House that one of the outstanding clergymen in Los Angeles, California, Dr. Thomas Kilgore, passed away this morning. He served as the minister for the Second Baptist Church from 1963 to 1987. He was a confidant of Dr. Martin Luther King. We will miss his leadership in Los Angeles, and we send condolences to his family.

TRIBUTE TO DR. JOHN MORTON-FINNEY, FROM INDIANAPOLIS, INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise on a very humble occasion to pay tribute to the life and work of Dr. John Morton-Finney, a 108-year-old gentleman of my district, and for whom family, friends and admirers paid final tribute on last Saturday.

Dr. John Morton-Finney, the son of George and Mattie M. Gordon Morton-Finney, was born in 1889 in Uniontown,

Kentucky. He was the son of a former slave. His ancestors migrated from Ethiopia to what is now Nigeria before becoming enslaved in America. He was reared in a family in which the old people never forgot about their African heritage.

Mr. Morton-Finney was the last surviving member of the World War I Army unit of black soldiers known as the Buffalo soldiers. Dr. Morton-Finney was also the oldest veteran in the State of Indiana. He never spoke of his involvement as an infantryman in World War I, except to note with pride that he had a citation from General John J. Pershing. During World War II, he was cited for work in the distribution of rationing tickets.

After being honorably discharged from World War I, Dr. Morton-Finney began teaching languages in black colleges, including Fisk University, Nashville, Tennessee, and Lincoln University in Jefferson City, Missouri.

In 1922, he learned there were openings in the Indianapolis public schools. He decided to join Crispus Attucks High School, of which I am a proud graduate; and he was hired to teach Latin, Greek, German, Spanish and French, some of the languages that he spoke fluently. His career spanned 47 years as teacher, department head and administrator, enriching the lives of his students and colleagues.

Mr. Speaker, I often tell my grandsons, Andre Carson and Sam Carson, that I wish they had an intimate opportunity to meet Dr. Morton-Finney, because they certainly could have learned a lot from a man who had five earned degrees in law. He had a JD from Indiana University School of Law, AB from Butler, and the list of his earned certificates span probably most of my life.

Then he was also cited with a lot of awards for the good work that he did in touching the lives of young people. He often reflected on the tangible awards and citations that he received and his achievement.

Dr. Benjamin Mays, formerly at Morehouse and now Mr. Morton-Finney having joined him in the hereafter, once said, "How can I articulate the depth of my respect and the degree of my admiration for a young man who excelled in life beyond the reach of anyone else?"

And Dr. Mays said that, "It must be borne in mind, however, that the tragedy in life does not lie in reaching your goal. The tragedy lies in having no goal to reach. It is a calamity to die with dreams unfulfilled and it is a calamity not to dream."

□ 1915

"No vision and you perish; no ideal and you are lost; your heart must ever cherish some faith at any cost."

I think that it is imperative for the Congress of the United States to recognize the life and work of Dr. John Martin Finney, who could have easily been a Member of the United States Congress or could have easily been President of these United States, given the amount of attributes and academic achievements that he amassed in his 108 years that he was among us, a very fine individual.

I wanted to pay a special tribute to his daughter Gloria Martin Finney who taught in the Indianapolis public school system for many years and worked in the administration of the Indianapolis public schools, but I think it is important as well that Dr. John Martin Finney from Indianapolis, Indiana, be saluted for all of the fine work that he did do during his lifetime.

Mr. Speaker, I rise on this most humble occasion to pay tribute to the life and work of Dr. John Morton-Finney, a 108 year old gentleman of my district and for whom family, friends and admirers paid final tributes on Saturday, January 31, 1997.

Dr. John Morton-Finney, the son of George Morton-Finney and Mattie M. Gordon Morton-Finney, was born June 25, 1889 in Uniontown, Kentucky. The son of a former Kentucky slave, his ancestors migrated from Ethiopia to what is now Nigeria before becoming enslaved in America. He was reared in a family in which the old people never forgot about their African Heritage.

The last surviving member of the World War I Army unit of black soldiers known as the Buffalo Soldiers, Dr. Morton-Finney was also the oldest veteran in Indiana. He never spoke of his involvement as an infantry in World War I, except to note with pride that he has a citation from General John J. Pershing. During World War II, he was cited for work in the distribution of rationing tickets.

After being honorably discharged from World War I, Dr. Morton-Finney began teaching languages in black colleges including Fisk University, Nashville, Tennessee, and Lincoln University, Jefferson City, Missouri. In 1922, he learned there were openings in the Indianapolis public schools. He decided to join the system and was hired to teach Greek, Latin, German, Spanish, and French, some of the languages he spoke fluently. His career spanned over forty-seven years, as teacher, department head and administrator, enriching the lives of students and his colleagues in the system.

He arrived from St, Louis, Missouri, newly married to the former Pauline Ray, a native of Geneva, New York, and a graduate of Cornell University. Together they enjoyed over fifty-two years of marital contentment, and a daughter, Gloria Ann, was born to their union.

A learned man, Dr. Morton-Finney's education included:

Pd.B., Lincoln Institute, 1916
A.B., Lincoln Institute, 1920
A.B., State University of Iowa, 1922
A.M. (Ed.), Indiana University, Bloomington, 1925
A.M. (French), Indiana University, Bloomington, 1933
L.L.B., Lincoln College of Law, 1935
L.L.B., Indiana Law School, 1944
L.L.B., Indiana University, 1944
J.D., Indiana University School of Law, 1946
A.B., Butler University, 1965
Litt. D., Lincoln University, 1985
L.H.D., Butler University, 1989
Diploma Trial Advocacy, NITA, 1987
L.L.D., Martin University, 1995
Certificate of Meditation in Indiana, ICLEF, 1992
Certificate of Meditation in Indiana, Indiana Bar Association

In addition to the immeasurable rewards a teacher gets from touching the lives of young people, Dr. Morton-Finney often reflected on the tangible awards and citations that he received and his achievements:

Superintendent's License, 1st Grade, Life, Indiana Public Schools
Veteran, W.W.I., A.E.F., France 1918
Member of the Bar of Indiana Supreme Court, 1935
Member of the Bar of U.S. District Court, 1941
Member of the Bar of the Supreme Court of the United States, 1972
Administrator and teacher, Indianapolis Public Schools forty-seven (47) years
Member of the bar of the Supreme Court of Indiana sixty-one (61) years
Member Emeritus Club, Indiana University Faculty, 1975
Crowned Adeniran, I, Paramount Chief of Yoruba Descendants in Indiana, U.S.A. by Council of Yoruba Chiefs of Nigeria, West Africa on August 31, 1979, in an authentic African ceremony at the Children's Museum in Indianapolis, Indiana
Distinguished Graduate, School of Education Award by Indiana University Alumni Association, 1983
Certificate Award by Chief Justice of Supreme Court of Indiana for Public Service, June 9, 1989
White House Invitation by President George Bush, 1990
Certificate of recognition, Board of School Commissioners, Indianapolis Public Schools, May 22, 1990
Inducted into the Hall of Fame, National Bar Association, Washington, D.C., August 9, 1991
Sagamore of the Wabash Award by Indiana Governor
Kentucky Colonel Award by Kentucky Governor, 1994
Honorary Member of U.S. 9th and 10th (Horse) Calvary Association, 1995
Harvard University Invitation and Recipient of Harvard's Certificate of Award for Public Service
Certificate Awarded by Indianapolis City Council for Public Service, 1995
Certificate Award by Mayor of Indianapolis for Public Service
Oldest Practicing Attorney in U.S. on June 25, 1996, at age one hundred and seven years
Only surviving Buffalo Soldier of the U.S. Army

How can I articulate the depth of my respect and the degree of my admiration for a young man who excelled in life beyond the reach of anyone else. His thirst for academic excellence, his zeal for molding character and academic achievement among all who was fortunate to be his student.

He envisioned this country's move to a global economy when he mastered and taught so many foreign languages. He was one of my favorite teachers at Crispus Attucks High School.

Dr. Benjamin Mays said:

It must be borne in mind, however, that the tragedy in life does not lie in reaching

your goal. The tragedy lies in having no goal to reach. It is not a calamity to die with dreams unfilled, but it is a calamity not to dream. It is not a disaster to be unable to capture your ideal, but it is a disaster to have no ideal to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for. Not failure, but low aim is the sin.

Harriet du Autermont has beautifully said:

No vision and you perish;
No ideal, and you're lost;
Your heart must ever cherish
Some faith at any cost.
Some hope, some dream to cling to,
Some rainbow in the sky,
Some melody to sing to,
Some service that is high

To state it another way, man must live by some unattainable goal, some goal that beckons him on, but a goal so loft, so all-embracing that it can never be attained. In poetry it is expressed in many ways.

Man shall not live by bread alone. Man must live by affection and love; by forgiveness, forgiveness of man and the forgiveness of God; by God's grace, by the labors of many hands; by faith, faith in himself, faith in others, and by faith in God. And finally man must live by his dreams, his ideals, and unattainable goal, and what he aspires to be. Man shall not live by bread alone.

OPPOSITION TO RENAMING OF WASHINGTON NATIONAL AIRPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I want to take this opportunity to explain my opposition to the bill passed today renaming Washington National Airport, Ronald Reagan Washington National Airport.

First of all, as a member of the Subcommittee on Aviation, let me say that it is inappropriate that we reported this bill without hearing or markup in subcommittee. Hearings are a very important part of the political process here in Congress. That is where we learn what the implications of our actions might be, including the cost of renaming the airport, which includes changing signs around the region and airport designator codes around the world. Today the leadership ushered through a bill without knowing what the real costs or the impact would be to the Washington metropolitan region.

Second, naming, in this case renaming, a building or airport is a very important decision. In respect to the family and the memory of the person named, there should be bipartisan support. And there should be no opposition from the Member of Congress whose district contains the facility.

None of my colleagues would want the Federal Government to come into their district and rename an airport without the support of the airport authority. That is what happened today. That is not what Ronald Reagan stood for.

My opposition is not only with the process, but also with the fact that naming this airport after Ronald Reagan is a totally inappropriate way to honor him. President Reagan's legacy will not be for aviation or transportation. It will be for his efforts to build a strong military and, with the support, I might add, of a Democratic Congress, bringing an end to the Cold War. A fitting honor to him would, therefore, be a defense-related one.

Well, guess what? In the year 2000 a United States Air Force carrier will be named in his honor. President Reagan will join great Presidents such as Washington, Lincoln, Roosevelt and Kennedy, and this is a fitting honor. We have also named the second largest Federal building in his honor. A new Federal trade center just a few blocks from the White House bears his name for millions of tourists to see each year. What more could be done to honor a President still living?

I think for now we have done enough. History will still have to judge the Reagan era, and before we go further in naming things around the country, we should view it in a proper context, after sufficient time has passed.

But most important, why the airport? Ronald Reagan's aviation policies were controversial, and not all Americans agreed with his policy. Many Americans do not feel that running up billions and billions in deficits was good policy. We should respect their feelings and not force them to enter this great city through a controversial monument. The word national welcomes everyone, and that is what this country and city are all about.

I hate to be put in this position, when we were pressured to vote on an important issue that will be costly, involving wrongful governmental intervention into local business and renaming a public facility, something we have never done before.

This is not a time for this discussion when President Reagan is ill.

I have to say that this is a sad day in this Congress.

HCFA VENIPUNCTURE PROVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. CLEMENT) is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, as many of my colleagues know, the Health Care Financing Administration will implement a rule tomorrow that will have a disastrous impact on our Nation. To some, excluding venipuncture, blood drawing, from eligibility criteria for skilled home health care nursing services may not seem like a move that deserves national attention, but I fully disagree. An estimated 1 million home-bound Medicare recipients who receive blood monitoring services are in danger of losing their home care as a result of this provision.

To date I have received hundreds of letters and phone calls from concerned constituents who depend on this assistance. I recently spoke with a 73-year-old insulin-dependent diabetic who had suffered from a stroke. He takes 11 pills a day and is completely bedridden. This man receives home health care services to monitor his nutritional status and blood sugar levels. His family members agree that it is this personal care that he receives which promotes his general well-being. In addition, home health currently provides trained personnel to identify and report changes in his condition. It is this provision of personal care that enables him to stay at home rather than being forced out of the home that he has lived in for 45 years and into a nursing home.

Tomorrow he will no longer be able to receive personal care at home because venipuncture will no longer be a qualifying skill.

Unfortunately, home health agencies across Tennessee and the rest of the Nation are familiar with cases just like this one. Their diseases may be different, but their circumstances are alike.

As a result, I am an original cosponsor of H.R. 2912, the Medicare Venipuncture Fairness Act of 1998, sponsored by the gentleman from West Virginia (Mr. RAHALL). This legislation would secure continued home health services to these beneficiaries. In addition, it would require a study by the U.S. Department of Health and Human Services to document any abuses in the venipuncture benefit and recommend to Congress the appropriate use of venipuncture under the Medicare home health benefit.

Some health care policymakers are concerned that venipuncture coverage has led to abuse of the home health care service. While I remain concerned about the millions of dollars that are being inappropriately spent because of the fraudulent and abusive billing practices of some home health care providers, I feel strongly that the patients are not the ones to be penalized. Individuals and institutions who knowingly defraud the government by submitting improper Medicare claims should be punished. However, it is inexcusable to penalize sick, disabled, elderly people who are innocent victims. I will continue to fight to see that this matter is addressed appropriately while allowing much needed home health services to continue for those who have an undisputed need for this care.

Mr. Speaker, I hope very strongly that the Health Care Financing Administration will revisit this issue. I think they are wrong. In the best interest of America and these people that need

this service so badly, that they revisit it and extend the time and let these people get the care that they badly need at home.

FURTHER TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I come to this floor today to pay homage to a great man, a great Californian and a great American, my colleague, my friend, the Honorable RONALD V. DELLUMS.

The gentleman from California (Mr. DELLUMS) has served 31 years in public life, the last 27 in the U.S. House of Representatives, with distinction and honor. When he came to this House 37 years ago in 1971, he wore bell bottom pants and an afro perhaps larger in scale than the dome of this Capitol. Not surprisingly, he was immediately labeled as an untrustworthy radical and militant, the victim of stereotypes to which African Americans have long been accustomed. But he was here to represent his East San Francisco Bay area constituents, whose commitment to a full employment economy, equality, civil rights, quality education and peace with justice has been and remained steadfast throughout his career.

What those who stereotyped him failed to recognize was that they would be dealing with a distinguished, principled, educated man who diligently and strategically worked to understand the rules and customs of this House and to learn how to work within the construct of this House. Through his work and example, we who are new Members learned many lessons from RON DELLUMS. Policy development and lawmaking is a marathon, not a sprint. To be successful, we must be prepared to meet those who hold different points of view than our own and meet them on their own terms, carefully listening to their arguments, and struggle to find common ground and mutuality of interest.

In offering this advice, he never told us what we should do, but instead suggested what he would do. He taught us to plan and prepare, to thoroughly understand the nuts and bolts of an issue. And finally, he said, never forget the people who sent you here, the constituents who invested in us the power to represent them. They are the reason we are here.

Congressman RON DELLUMS is revered on both sides of this aisle because of his integrity and his commitment to progressive ideas. He was always on the cutting edge of the issues. California will miss him in the ninth district, but the State has been enriched by RON DELLUMS. While he towers above most of us physically, this attribute is matched by his intellect, faith in the process and optimism for peaceful resolution of conflict.

Mr. Speaker, I came to Congress during the midterm of the 104th Congress, having won a special election. My path to Congress did not provide me the opportunity to bond with the Members of my class during the heady days which normally follow a general election victory. I did not have orientation for Members-elect, as is the practice of getting acquainted with your colleagues before sitting for a new Congress. Nevertheless, RON DELLUMS' gentle smile, kind words and unreserved support, willingness to listen without prejudice and accessibility qualities have contributed to my development as a Member and my ability to better represent the constituents of my California's 37th Congressional District.

Congressman RON DELLUMS' intellect, keen grasp of the issues, knowledge of the process and impeccable style are attributes to the people of California's Bay area, the United States House of Representatives and the Nation which will mostly miss him. And while we will miss him, we all recognize that life goes on, and the only constant in life is change.

□ 1930

RON DELLUMS' contributions to this House, indeed his greatest legacy, will be that he used his service in Congress as an instrument for change in the pursuit of jobs, peace and justice.

I wish him the very best as he pursues his future endeavors and wish to convey my thanks as a colleague, a friend, and an American to his family for their sacrifice and generosity in sharing this unique man with us. And I thank my brother, the honorable RONALD V. DELLUMS, for his friendship and his unreserved brotherly support on my behalf.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore (Mr. LUCAS). Under a previous order of the House, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes.

Mr. WATT of North Carolina. Mr. Speaker, I have neither the eloquence or the thoughtfulness to find the right words to express my feelings for my colleague, RON DELLUMS, who is leaving this House this week. How does one say "thank you" to someone who has had their phones tapped, who has been subjected to experiences in committee, on the floor, that we could not now imagine as Members of Congress?

About 15 years ago, when I was not involved in Federal politics at all, to the extent I had any involvement in politics it was at the local or State level, most of my time was being spent making a living learning how to practice law, someone invited me to attend in Washington a Congressional Black Caucus weekend. It was at that weekend that RON DELLUMS was the keynote speaker. He spoke for about 45, 50 minutes, and the entire audience never uttered a peep. It was at that point that I started to admire and respect RON DELLUMS.

Fast forward to 1992 and imagine how it felt to me to be elected to Congress and to have the honor and privilege of serving with this powerful man; to have him come to me and say, I have heard you speak on the floor and I like your passion, when I had admired his passion for so many years; to receive from him constructive suggestions about how to be an effective Member of Congress; to receive from him constructive suggestions about how to express myself on the floor, when I had heard him be one of the few people who could rise on the floor of Congress and actually change opinions of his colleagues during the course of a debate. Those are the things that I am indebted to RON DELLUMS for.

But my respect goes beyond that. My admiration goes beyond that, because RON has been willing to share with people and to spend time with young people. I will never, ever forget eating lunch in one of the House facilities here with my son and a friend of his from his college class. We had almost finished eating when RON entered the dining room, and RON came over and sat down with us as we were about to leave, we thought. And about an hour later he was still mesmerizing these two college students with stories about how he had gotten involved in politics, how he had come to understand the principles and commitment that one has to make to gain the respect and admiration of others, and how he valued the opportunity to serve his constituents and the people of America.

There is nobody in this body that I admire and respect more than I admire and respect RON DELLUMS. I am going to miss him immensely. It has been wonderful over the last several days to hear the tributes that have been made to RON DELLUMS and to learn more and more about this powerful, beautiful man.

I wish him well. I wish him success in everything that he endeavors. I understand the circumstances under which he is leaving this body, and I hope that he will have much success with those circumstances. I just simply want to take this moment to express my respect and admiration for this powerful, powerful man.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from

Texas (Ms. SHEILA JACKSON-LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be able to discuss what I believe is a very important issue and need in this country, and I could first start speaking generally about the value of good health care and how health care touches all Americans, how health care is bipartisan, not a respective race or agenda or region. It really is the desire of all people to have good health care, good and safe and viable and, yes, reasonable health care.

But even as we talk about reasonable health care, I think it is important that that word be put in the context of the right kind of medical professional-patient relationship and interaction. Just a few hours ago there was an extensive debate on the floor of the House regarding attorneys' fees for the White House Task Force on Health. During that debate I indicated that I thought my colleagues were moving in the wrong direction, a punitive direction rather than a helpful direction, and, in fact, the question of who should pay attorneys' fees for a challenge to that task force really begs the question and really took up the time of the American people in the wrong way.

We passed no effective health legislation by that vote. And I voted against it because I thought that it simply missed the point of the House Health Task Force that, in fact, did not conclude with a decision as to which type of health care this whole Nation would buy into, but they did do something very important. They put in the minds of the American people that we had a health system that needed repair and, in fact, all was not well and there were other options that we might look at.

Whether it was universal service or access universally to health care, or whether or not it had to do with physician assisted plans, or whether or not it had to do with the professional health maintenance organizations, which have now about taken over the country, it still raised the debate. And, yes, it talked about the importance of making sure that all aspects of our community, our children, our infants, our senior citizens, our working families had access to health care. And today we find that we do have and still have a broken system.

Many of us can rise to the floor of the House and share personal stories. For example, my father, who suffered from cancer, not unlike many families in America, a senior citizen who, in fact, had been healthy every day of his life and was shocked that there was now something wrong with him. In the family's eyes there was nothing wrong with him. He was ill and we wanted him to be better. But in his mind there was something wrong, and we needed a sensitive and responsive health maintenance organization. I am sorry to say we did not get that.

How many times I have heard from constituents who indicate that it seems like the question of cost was more the priority of their health maintenance organization than it was quality of service and the wellness of the patient.

I do not believe Congress can proceed any further without assessing the need for better health care and good health care. We already have noted that 88 percent of the American public supports a consumer Bill of Rights as it relates to HMOs. Eighty-two percent support tax breaks and grants and subsidies for child care that also has an impact on how our children are cared for and also a better quality of life. But always the health care rises to the level of importance.

The attractiveness of a tobacco settlement focuses on opportunities to improve the health of Americans, to ensure that we diminish the opportunity for Americans to suffer through smoking and the illnesses that come about. But no matter how much we tell Americans to be healthy and to participate in wellness programs, if we have a broken health system, if we have HMOs that are governing and controlling all of the health systems around this Nation with little sensitivity to the importance and the sacredness of the patient-physician relationship, or the patient-professional medical practitioner relationship, then we do not have a system.

So Americans are very interested in this consumer protection Bill of Rights, and I believe we must drive this to the end and it must be passed. And so I call upon my colleagues and the leadership of this House, the Republican leadership, to let us stop dividing along the lines of party when it comes to health care. No one in America goes to their physician and asks for their voting card. They want a good physician. They want the kind of physicians who carefully guided into this world those wonderful septuplets in our Midwest now, as we watch each healthy baby leave the hospital.

Those two young physicians, young women, in fact, might I say, cared enough about those lives and the good health of both the mother and those babies to meticulously and carefully and without any question of cost to proceed to bring and to help as God's creations were being born.

And so it is important that we understand what Americans want. No, they do not want fraud and abuse. But if there had to be a question of whether or not they could readily and carefully and with expertise help bring those septuplets into this world, help them be born, help create a unique time in history, I do not think Americans would want HMOs standing outside the door of that young couple saying, well, you know, you have to make a decision.

□ 1945

The cost is too much to get and to have septuplets. What an outrageous thought. But that is what many Americans are feeling with the kind of HMOs we have in America. Calls being made to corporate institutions by physicians and physicians saying, "No, they cannot have that transplant. How old are they? There is not enough money in their coverage. How old are they?" And as the decision is being deliberated and the arguments are being made long distance, someone, your loved one, is dying. Americans are saying, enough is enough.

I am gratified that we have this opportunity to fix this system, that we have not gone too far. Coming from an area that has the Texas Medical Center and premier hospitals, in particular one that I happen to serve on the advisory committee for prostate cancer, M.D. Anderson, I know that most of the health officials want to do their job efficiently, effectively, with great recognition of cost; and they want to save lives; and they want to go to any length to save lives. We must give them that opportunity. Our HMOs are stifling good health care in America.

Oh, yes, there are some that provide easy access by way of the cost that one pays for an office visit. But, in many instances, the physicians are overloaded, having to match a certain number of visits per day, having to move patients out in a certain period of time, some tell me 15 minutes or less, sort of a factory type sense, being penalized if they take a longer period of time to ask questions of that senior citizen who may have a difficult time communicating, that person who does not speak English, that child who is younger and has a difficult time explaining to the physician and to mommy or daddy where the pain is. I have heard these stories.

My colleague from Tennessee has said that we even have some difficulties in administrative regulations relating to home health care. We find that these agencies are proliferating, but we understand as well that there is a need.

Many of our health needs revolve around home-bound patients who need to be with family and in warm surroundings, as opposed to the possibility of a sterile hospital; and they need these visits from home health care officials. Yet we are creating hassles, if you will, for those businesses to survive, many of them small businesses; and we are creating financial hurdles for them to jump through, so that they cannot have that kind of care.

If I may personalize this again, at the time of the height of my father's illness, he needed around-the-clock, 24-hour care. It was much better for him to be at home than it was for him to stay at a hospital of which there was at that time, very sadly, not much to be

done. But yet, we find ourselves in controversy because these kinds of opportunities and choices are being denied.

So I am delighted to be able to support the Democratic Health Task Force proposal for a patient bill of rights, to have been able to work through this and work with the task force as it looked first at child health care. We saw in the last budget fiscal year 1998 $24 billion that was allotted for children's health, to see the numbers of immunization rise and the numbers of preventable diseases that would, in fact, be destructive of our children's health, to see those diseases go down because our children are being immunized.

So we see what can happen when we turn our attention effectively to the whole question of good health care.

What does the patients bill of rights, the access to care, what does it really mean for America? Well, let me tell my colleagues what it means.

And I can simply say that it means a smile on every American's face. It means a comfort level for some daughter who is worried about her elderly mother in another State and where she only has the ability to consult with that mother's medical professionals by telephone and is not really aware of what kind of care that mom is getting or whether or not she is being shortchanged.

It means a choice of plans. We have found that giving consumers choice, allowing them to pick what fits their needs, enhances consumer satisfaction.

So, we, as Democrats, would allow a limited point of service option for employees who were only offered one health plan and that health plan was a closed panel HMO. The health plan, not the employer, would be required to make available another point of service option for those beneficiaries who wanted it. Being released, unshackled, if you will, taking a breath of relief that they would actually be able to express dissatisfaction with their HMO and still have good health care. They are not boxed in.

I just want us to think for a moment. Maybe the American public is not familiar with how far we have come and how low we sunk in health care in America.

Just a year or so ago, we had the drive-by maternity hospitalization. Mothers were being dispatched out of the hospital in 24 hours, and those who had what we call a Caesarian section were cast out in 4 hours. Drive-by deliveries. It took Congressional legislation, working with the Senate, that time Senator Bradley and others, working with the Women's Caucus and many others.

I remember cosponsoring and working on that legislative plan to extend the time that mothers who were delivering their precious baby to be cared for with the right kind of care in the hospital that they were in.

Only those of us who may have firsthand experienced all of the excitement and the doubt and the needs of care of giving birth would be able to fully appreciate, along with, of course, the father and relatives, the need for care.

I heard terrible stories from constituents of their fear and apprehension of that moment of delivery and then the next moment when they barely have had a chance to be able to be cared for, to be able to be stabilized, the baby stabilized and because of their HMO they were dispatched, turned away if you will, out of the hospital.

Have any of my colleagues heard of postpartum depression? Most females will be able to share that with you, a serious condition. Is anyone able to detect that in a 24-hour time period? Well, that is what we had just a short period of time.

What about the story of this daughter whose elderly father was delivered home in a taxicab from a hip replacement surgery to a mobile home in Florida and left at the doorsteps with a walker, no home health care, no training as to how to use the walker, no one to help him use the bathroom facilities, no knowledge of how he would fix his food, because he had to be removed from the hospital because of his HMO?

These are just the tip of the iceberg of the stories that you have heard because cost has been the ultimate decider of health care rather than the care, nurturing and then the eventual wellness of the patient. So choice of plans. Because, "If your HMO cannot provide you with the guidance and necessary physician care, then go somewhere else."

What about the quality and the expansiveness of the providers? We say plans must have a sufficient number, distribution and variety of providers to ensure that all enrollees receive covered services on a timely basis. This way, again, you are not confined or boxed in; and you do not have a sense that you are not able to get the breadth of diversity that one might need.

I would probably give it away if I talked about my admiration for that TV doctor that used to carry the little black bag and visit people in their homes. I would really be dating myself if I said that my first doctor visited us in the home. What a special privilege to be home sick from school, warmed in a bed, and to have your physician travel all the way to your house.

Those were, in fact, the good old days of which we will not return. But I think Americans want the old-fashioned medicine, that their care and their nurturing is the first priority, not some bottom-line figure where someone is arguing that the red ink overcomes the need for the care of your loved one.

So we are looking to have specialty care. Patients with special conditions should have access to providers who have the records and expertise to treat their problems.

Our particular proposal of the patients bill of rights allows those patients with special needs, diabetes, MS, special forms of cancer, to be treated, liver disease, to be treated at the level that they have need. Those who need various specialists with relation to allergies, something very unique and isolated sometimes. But if they suffer from that and their HMO says, no, you cannot go to a specialist, it is not life-threatening, or let me say to them that it may not be life-threatening to someone in corporate America in a cubicle in New York, but certainly I would say to them that it totally damages and takes away the quality of life and the kind of health care that we have come to appreciate.

So that specialty care is something that I frequently heard from constituents, "I have been denied the right to see a specialist. They told me I could not do it. My HMO refused. I could not get a second opinion." You develop a relationship with that physician, and you certainly develop a relationship if you have a chronic illness.

In many instances, chronic is not terminal. But it does mean that they need to be under constant care. They are seriously ill. They require continued care. So we are saying that if that is the case and they require continued care by a specialist, the plan must have a process for selecting a specialist as the primary-care provider and assessing necessary specialty care without impediments.

What that means is that, rather than them going to a general practitioner, who certainly does an enormous job in our community, and I encourage the further training of general practitioners, but if they have such a degree of chronic illnesses that they need a specialist more than they need the general practitioner, they should be able to utilize that as their primary physician, and there should not be, again, the hoops and the wagons and the races that they would have to run to get that done.

I have heard in many cases as we have made progress in the detection of breast cancer and other women-related illnesses that part of the success of that has been early detection. Yet, in many instances, women have not been able to, under the present HMO provisions and what HMOs have been willing to pay for, they have not been able to get OB-GYN services. So it is extremely important and we think it is vital that women have the ability to designate an OB-GYN as a primary-care provider.

Why should that be outside the loop of medical care? Might I say, in this day and time, what a blatant form of discrimination that necessary health care services had to be argued for rather than automatic. How many times we

have heard our surgeon generals preach wellness prevention; and, in essence, without a complementary system to be able to provide for that, there is no wellness, there is no care.

□ 2000

So we have a provision that deals with women's protections, and that is extremely important.

Continuity of care. There is nothing more frightening than to have care and to lose it and to need it, and that has come about to many of us because of a change in a plan or a change in a provider's network status. So we thought it was extremely important in our task force to lay out guidelines for the continuation of treatment in these instances, and particular protections for pregnancy, terminal illnesses, and institutionalization.

It is a horrific impact on families when all of a sudden someone loses their job, and they have a child or a loved one who is suffering and has a terminal illness or some other condition that needs constant medical care. What an overwhelming burden on the family.

Already many of us have heard of situations in our community where there are barbecues or fish fries or fire departments and police departments and communities rallying around families who need transplants. I frankly am outraged about that process. Those are particular incidents where there is a great need to be able to have the money, where money is not, and communities rally.

Well, imagine yourself caring for a very ill loved one and you lose your job. How many of us have had the experience of some bad times or hard times come in the midst of the caring for a loved one who needs a great deal of care?

We think it is imperative that there are guidelines that will carry you as a bridge over troubled waters so there is never a point where you come to the flat Earth theory, you get to the edge, and you completely fall off the edge; no hope, no safety net, no ability to carry that care forward. Believe me, my friends, that is not an isolated set of circumstances.

So that is why I am moved to say debates like who is paying the White House health task force attorneys' fees is tomfoolery to a certain extent, when we have Americans who are without good health care, and we have really got to get on the ground working on this consumer protection bill, this patient bill of rights, because as I listened to those who are seeking help from the government to make health care accessible, but the best it can be, these are the kind of hard issues that these providers face every day.

When I say that, the health professionals in our public hospital system, the health professionals in our private hospital system, every day they are dealing with life-or-death issues, questions of how do you pay for health care, how do you utilize Medicaid in the best way it possibly can be used.

So as we balance HMOs, we must also look at making sure that Medicaid is effectively utilized, and that it, too, reaches the necessary patient base that goes without health care if they do not have coverage under Medicaid. Frankly, that is many of our children.

So I would like us to look both at those of the very poor, those who are in need of coverage of Medicaid, as well as those individuals who are operating under HMOs.

Another point that we want to see HMOs improve on is emergency services. Individuals should be assured that if they have an emergency, those services will be serviced by the plan.

Let me give you an example of just some problems that sort of relate to emergency services. It is the question, one, of denial. That means you are not covered. You think it is an emergency, you are driven to the emergency room, but in fact your HMO will not allow that. I guess tragically, unless you come with a bullet wound and unable to speak, that is not always the kind of emergency that occurs.

I heard tell of tragic stories where patients have driven themselves to the emergency room with a near heart attack, needing immediate assistance, and the first thing that the emergency room is forced to ask is, do you have health insurance. Might I say that I have heard of tragedies that have resulted in death because hospital emergency rooms had to be too engaged in finding out whether this patient, who has come into the emergency room, has the necessary health coverage.

Part of that certainly is the way our whole system has been structured. Part of it is the overwhelming fear that HMOs instill in all kinds of health providers, we are not going to pay for this. And in many instances it originally started with good intentions,. The whole idea is to make more cost-effective our managed care system, but in actuality it became the death knell for many who needed good health care.

There is a big debate about research and clinical trials. Not when you go to the National Institutes of Health, and many of our research hospitals. Talk to the community that suffers extensively, any community, from HIV, those both infected and affected. They realize how important clinical trials are and the fact that many people could not participate if they did not have such participation covered or allowed by their health insurance.

So they should be able to engage in clinical trials because that treatment may be the only treatment that is possibly able to cure their tragic illness, and certain approved clinical trials we believe should be allowed under the HMOs. And right now you are more than climbing through hurdles, you are swimming rivers, climbing mountains, and then jumping off and flying like an eagle to even think of getting the approval of an HMO for clinical trials.

We believe that drug formulas, prescription medication, should not be one size fits all. There should be plans that allow beneficiaries to access medication that is not formulary when the medical necessity dictates.

We also think that there should be nondiscrimination against other health care services. We should not be discriminating against our enrollees on a variety of factors, including genetic information, sexual identity and disability.

Very serious point that raises a great deal of consternation is preexisting disease. That has always been a problem, and I believe that the patient bill of rights has to rein in this whole issue of preexisting disease and any bar that it gives to the whole idea of not being able to get good health care.

We want this to be an encompassing package. We want to be able to take away the aura around health care, the fear. In the early stages, or the good old days, as I have mentioned, it was merely the respect that most Americans had for their physicians and the great belief that they did all they could for them, so it was sort of an accepted posture, if you will, where there was sort of this great, great elevation of our physicians.

That is all right, that is voluntary. That came about through competence and trust. Now, however, much of the relationship is out of absolute fear, fear of losing your health insurance, fear of being told you cannot get this surgery, fear of waiting long periods of time for approval to come from some corporate office, some insensitive, nonknowing analyst that has to respond to the HMO's criteria of selection.

This is not an indictment of those professionals who work in the corporate structure. They are guided by the numbers that have come down that they must respond to.

So we want to make sure that we break the aura of fear, devastating fear, and provide health plan information so that you can have and make informed decisions about your health care options and know what is in your plan, and not have pages and pages of small print that someone passes out to you in your corporate mail and you have no knowledge of what you are accepting or rejecting.

Medical records need to be kept confidential, and that has to be a key element of the patient bill of rights. Patients should be able to accept the fact that their medical records are confidential so that they cannot be used against them by their HMOs. Many times there must be that link, that ombudsman, or woman, that you can

comfortably go and show your confusion as a consumer of health care and be able to have answers being given to you.

We will not get a health system that works if we act in fear. We will not get one that works if we do not act. We simply will not have the kind of health care that all Americans can be proud of if we do not take a stand on behalf of the millions of patients, far more than the numbers of HMO organizations that dominate our country.

We are told that some States have nothing but HMOs. We have seen our physicians hover in fear because of HMOs. I have had physicians from certain communities, in particular the Indian community, that have acknowledged seemingly the lack of cultural understanding, the needs of their patients, the intrusion of the HMO into the kind of care that they need to give.

The one thing we pride ourselves about here in this country is freedom, freedom of choice, the ability to go where you feel most comfortable; certainly not to do damage to anyone else, not to tread on anyone else's freedom, but certainly the freedom to get what you desire and need.

We think it is important that as we break this aura of fear, that we assure the American public that they have quality health insurance, that the plans are working the way they should, doing what they should, that the caliber of physicians are at the level that they should be, so we support quality assurance, monitoring the HMOs and their service over a period of time. We think it is important to collect data, to be able to see how many success stories, how many cure stories, if we might, what are the surgeries and their success rate. Are we looking at the kind of plans that have the kind of health professionals and hospitals that provide the best care.

I think it is very important that we have HMOs that reflect the community. I have been very much a strong advocate in my own district, in Houston, of encouraging Hispanic and African American physicians, Asian physicians, to organize and serve those inner-city populations, or populations that will be inclined to feel comfortable with the service that these particular physicians are rendering.

Does it limit the service to one community over another? Absolutely not. But what it does say is that these kinds of PPOs in particular give comfort level to the consumer, if you will, and reinforces the key element of good service.

We must also be fiscally responsible, and I think a utilization review. Which our patient bill of rights agrees to, is worth having so that we can review the medical decisions of practitioners. What do they need most? What helps them serve their patients best?

I think it is extremely important that we give the consumer a right to a process of grievance. Patients voice their concerns about the quality of care, and an outside process that allows that matter to be handled even before any court action is necessary. Sometimes these processes need to be done so that they are working internally and without a court structure.

□ 2015

Certainly, we would want to have what I call the antigag and provider incentive plans. Consumers have a right to know all of their treatment options. Again, that goes back to the key element of a sense of confidence, breaking the fear, not having a zip mouth in the physician's office, because I do not want to ask this question. He or she said I only have 15 minutes, and maybe they will cancel my health insurance if I ask too many questions. We need to lay down the options. There should be no bell ringing, to say now your time is up and one certainly cannot be engaged in this decision of wanting to know more treatment options, and that is it. Take it or leave it.

So I believe that it is now time that we have the right kind of HMOs and therefore, it is extremely important that we get off the dime, if you will, and really respond to what Americans are talking about, is an unentangled, caring health system that allows the best and the brightest of our health professionals to do their thing.

As I see my colleague who has joined me who has been a real leader on these issues; in fact, he might be called Mr. Health Care, because it has not just been reforming this HMO revolution. Whenever there is a revolution, we get excited and it is a new toy to play with, but sometimes we have to go in and direct the revolution. But my colleague was there on the Medicare fight when we thought a number of our seniors would be denied care, he was there on the Medicaid fight, and each step of the way we have seen a better system come about.

So for all of those people now hovering in the corner on the patient's Bill of Rights, hold your calmness and listen to what we are saying, that it is of great necessity that we open the doors to patients so that patients might feel that the system works for them.

With that, I would like to say to the gentleman from New Jersey (Mr. PALLONE) let me thank him for organizing this Special Order and allowing me to share with you what I think has to be one of the most important issues that we really need to face in the next 30 to 60 days. Somebody might say this year or over the next 2 years. I think we have a crisis that we have to deal with, and we need to pass the patient Bill of Rights that deals with HMO reform. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I wanted to thank the gentlewoman for being here tonight. I think the gentlewoman is the one that organized this Special Order, but I thank my colleague for saying that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we shared in it.

Mr. PALLONE. Mr. Speaker, I know that the gentlewoman has been on the floor before talking about this issue and many other health issues that the Democrats have tried very hard to bring forth in the House of Representatives.

One of the concerns that I expressed today earlier in the day when there was a resolution that the Republicans brought up with regard to President Clinton's health care task force, and they were criticizing that, and they brought up some procedural matter related to it. I took to the floor at the time because I wanted to express my concern that we not waste our time here in the House of Representatives dealing with procedural matters about who had a task force and who paid for the task force and what happened with the task force, but rather, we spend our time on substantive ways to try to achieve health care reform.

We know that there are about 40 million Americans now that have no health insurance, and we know that there are problems with managed care and with HMOs, quality problems, which the gentlewoman talked about when she talked about the Patient Protection Act and the consumer protections that we all feel should be addressed with regard to HMOs and managed care reform.

All I wanted to say today, and I will say it again this evening, and I am sure both of us are going to be saying it a lot more over the next few months to the Republican leadership, because they control the floor and what measures come up and what bills pass, and let us bring up these health care reform issues, let us bring up the patient Bill of Rights so we can reform managed care and HMOs. The President, when he spoke in his State of the Union address the other night, was very clear that a major priority for him was managed care reform and the patient protection concerns that the gentlewoman talked about. The public overwhelmingly, not only the Congressmen and women in the room, but the public in general overwhelmingly said that that was a high priority for them. But it is not going to come up and be debated on this floor unless the Republican leadership allows that to take place.

One of the concerns I had today, and that is what this chart is, and I am not going to dwell on it, because we talked about it a lot today, but there is a concerted effort now by certain special interests to fight against the Patient Protection Act, to fight against these managed care reforms and not allow them to come forward, to move forward

here in the House of Representatives. Today, the National Association of Manufacturers was actually here lobbying Members and telling the Republican leadership and getting them to go along with this idea of fighting against managed care reform.

What we have up here, I will just mention it briefly, this is a blow-up of a memo from the staff person at the Health Insurance Association of America, the for-profit health insurance lobby, and it talks about the Speaker's aides calling up lobbyists to Capitol Hill and giving them marching orders to trash the bill providing consumer protections in HMOs. I think one of the most egregious things that I see where it says here the message we are getting here from House and Senate leadership is that we are in a war and need to start fighting like we are in a war. Well, the reason we are in a war is because we know and the President knows and the Democrats know that people want managed care reform, they want these patient protections, so the war is to fight against that. They are talking about the war because they know that there is so much support for it.

Then later on, I think it is Senator LOTT, who is the majority leader in the Senate, he said that the Senate Republicans need a lot of help from their friends on the outside, and he says that they should get off their butts, I hate to use that expression, and get off their wallets, reference obviously to the need to finance and provide money, if you will, for campaigns and special interest money, if you will, to support those who fight against the health care and the patient protection reforms.

So we have a battle here. I think the gentlewoman and I said the other day that this is going to be a battle. Well, the Republican leadership claims it is a war. Whether it is a battle or a war, I do not know, but we have our work cut out for us.

But I wanted to mention very briefly if I could, there were a group of family and health care advocates, organizations that are in favor of these patient protections and the managed care reform.

Ms. JACKSON-LEE of Texas. Absolutely.

Mr. PALLONE. And they sent a letter to Members today, Members of Congress, because they knew that the National Association of Manufacturers was coming down here and lobbying against this managed care reform. So they sent a letter, and this is from Families USA, American Federation of Teachers, United Church of Christ, Women's Legal Defense Fund, AFL-CIO, a number of groups that are involved in this.

They said to the Members in their letter, when these people come that are against these managed care reforms and they come to your office today, why do you not just go through the checklist that we will provide you of what this managed care reform does and ask them whether or not—why these are bad things, why they are against these things. If I could just briefly, I have the other chart here, go through this. I know the gentlewoman mentioned a lot of these things earlier today. But I think it is very interesting to sort of pose the question in that way.

Ms. JACKSON-LEE of Texas. Absolutely. If the gentleman will yield just for a moment, it is interesting, and the checklist is important, that this group would want to go up against 88 percent of the American public that wants a consumer protection bill as it relates to health care. They want a patient Bill of Rights.

So the war is on. I think the clarion call is for the 88 percent of the American public to stand up and say what they want loudly and clearly. I think they can overcome any of those who would want to detract away from what they need, and of course that checklist will be the real test as to whether or not these folks who are opposed to it even know what they are opposed to: Simple, basic assurances, if you will, that we in this country believe that everyone should have access to good health care. I yield to the gentleman.

Mr. PALLONE. Mr. Speaker, the reason I would like to go through it quickly together, if the gentlewoman would like, is because a lot of times I worry that we deal in abstracts. Even when we talk about patient Bill of Rights, I am not sure that the public necessarily understands what we are talking about.

The great thing about debating this issue of managed care reform and the patient Bill of Rights is that when one sees what we are actually talking about, and then one hears the stories about people who do not have these benefits, then the public becomes even more aware of why it is necessary.

The first one says that health care consumers can appeal denials or limitations of care to an external, independent entity. I have had a lot of my constituents, in other words, they seek certain care, they want to stay in the hospital a couple of extra days, they want to see a certain specialist, they want to use a certain kind of equipment for a particular medical procedure, and they are either denied or they are told well, we have to go and it has to be reviewed by a certain party. What we are saying here is that if it is denied or limitations are put on a procedure or access to a doctor, that there has to be some way of externally independently reviewing that decision and overturning it in a quick fashion. Obviously, that is very important.

The second thing is, consumers can see specialists when needed. Again, I think one of the biggest problems with HMOs is the fact that increasingly, the gatekeeper, whoever it is, whether it is the primary care physician or more often some bureaucrat with the insurance company that says that one cannot see a specialist, and people need that type of specialty care, so this is an issue.

The third thing is that women have direct access to OB-GYN services. Another one is the physician decides how long patients stay in the hospital after surgery. That I think is so crucial. We had this with the drive-through deliveries where women were released from the hospital the same day that they had a child; people that had C-sections were allowed to stay only 2 days in the hospital, and the bottom line is that that decision about how long one stays in the hospital at a particular time after surgery, that should be made by the physician, in cooperation with the patient, not by the insurance company.

Health care professionals are not financially rewarded for limiting care. This is the biggest problem that we face. Increasingly, the doctors and the method of payment they receive is dependent on them putting limits on how they care for patients and what kind of care patients receive. How could one possibly have quality health care with those kinds of limitations? It is okay to say, for a doctor to say, okay, this is the number of days that you should have for this particular activity, or this particular surgery, but to have there be a financial incentive for the doctor to do that I think opens the door to abuse, and this is what we keep hearing over and over again is occurring.

Then, consumers can see my provider if the providers in their plan do not meet their needs. Again, in many cases where the HMO does not have the specialist or even does not have certain types of hospital facilities that are covered by the plan, well, if they are not covered by the plan, if someone needs a certain type of care or a certain type of specialization, they should be able to have access to it if the plan does not cover it as part of their network. That is essentially what we are saying.

Then, consumers have access to an independent consumer assistance program to help them choose plans and understand programs. This is the ombudsman concept. What I find more and more is that the average person does not even know what their plan consists of. They do not know what is in it, they do not know what is covered, they do not know what care they are allowed to have, because there is no requirement in many States for any kind of disclosure when one enters into one of these networks, one of these HMOs, and obviously, it would be a good idea to have someone to go to to provide that kind of assistance.

Then we have health plans demonstrate that they have inadequate

number mix and distribution of health care providers to meet consumer needs. Consumers get information on plans including how many people drop out of the program each year, amounts of premium dollars spent on medical care and how providers are paid, just basic disclosure. People should know what they are getting into.

Finally, this is just of course the most important aspects, is that doctors, nurses and other health care workers can speak freely to their patients about treatment options and quality problems without retaliation from HMOs, insurance companies, hospitals, and others. I think the gentlewoman mentioned before about the gag rule and how we have to eliminate that as well.

This is what we are talking about. This is not any abstract science here. It is just simple things that I think most people probably think that they are getting until they actually find out that the HMO or the managed care plan does not provide it and has these limitations. We get this out to the American public, people understand this. That is why better than 80 percent of the people support these kinds of managed care reforms.

□ 2030

Ms. JACKSON-LEE. Mr. Speaker, I keep raising the 88 percent, because the gentleman is right. If we get the message out as to the Patient Bill of Rights, it is not even out the way it should be, because, as the gentleman has said, the Republican leadership has not yet seen the wisdom of getting it on the floor of the House.

Can my colleague imagine if the American public saw the value of what we were offering and realized in many instances that they did not have those privileges if they had a crisis or real health need? The good thing about what happens in this country is that as many sick people as we have, we have a lot of well people who pay for health insurance and never have the real opportunity, which is very fortunate, to maybe have a serious illness.

Of course, as we age, there are times when we do have, through age, serious illnesses. But, in fact, these persons who are in their prime of working do not have major illnesses and, therefore, are not even aware that there are limits on the kind of treatment that they might be able to get that maybe someone who has children who are all 10 and 12 did not come through the time when in 24 hours you had to be out.

Just think as we educated individuals how they would want the numbers or the numbers would show 100 percent supporting this. If we emphasized the drama of what occurred today. Leader GEPHARDT indicated a "fly-in" of the friends of our colleagues to swat down any kind of interest in the Patient Bill of Rights. If we could just have the American public see a swarm of bees swarming in to just stop it in its tracks, I would say we would have 120 percent because health is such a sacred part of the quality of life and what we have come to expect in this country.

I cannot imagine why this would not be a bipartisan effort to really run to support the Patient Bill of Rights, because, in doing so, we would be responding to what all of America would want, irrespective of whether or not they are Democrat, Republican, Independent. They clearly want to be able to count on their health plan.

So the gentleman has highlighted several of the major points. I had the opportunity to emphasize some of the other aspects. And it is quite extensive, but it is not redundant, it is not costly, it is certainly recognizing that what we have is a broken system.

We started out with it. It was new. We organized it in a manner that had more of a dominance of the insurance companies as opposed to the health care providers. We see that is wrong; and so we are now going back to fixing, which is a good concept. But the wrong direction. The head is not leading. The tail is leading. I think we need to get it in order so that the health care of this country can be what we would like it to be.

Mr. PALLONE. Mr. Speaker, and I know we only have a couple of minutes left, and I just wanted to say that I know what some of the arguments are that are coming from the opponents. They are saying that it will cost too much. Well, most of these things do not cost anything; and if there is a slight cost from some of them, it is so slight in terms of the benefits that a person is receiving that I think overwhelmingly people would support these patient protections.

The other thing, of course, we hear is that the Democrats, they are trying to move towards national health insurance or socialism. The reason HMOs have become so predominant in the insurance market is basically through the capitalist system. This is not the government. They have actually worked and they have competed and a lot of people have joined them, a majority of people have joined them, but we know that there are times when the system gets out of hand and the government has to step in with some modest restrictions.

These are modest restrictions. That is all we are talking about. This is not major tinkering with the system. HMOs will still be out there, and managed care will still be out there. They can still compete, but we are saying that these basic provisions have to be met to provide some semblance of quality health care.

Mr. Speaker, I yield back to the gentlewoman, because she, in fact, organized this special order this evening. But I thank the gentlewoman for having me participate in it.

Ms. JACKSON-LEE. Mr. Speaker, it was certainly my pleasure. And, as we close, I certainly want to thank the Speaker for this time. I think this was an important discussion on the floor of the House, and I am delighted to have the gentleman from New Jersey join on the kinds of issues that we will be facing. We have a plan. Our task force has a plan. It is certainly appropriate for the leadership to move forward on this issue of good health care.

THE AMERICAN WORKER AT A CROSSROADS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the Majority Leader.

CONGRATULATIONS TO THE CONGREGATION OF GRAAFSCHAP CHRISTIAN REFORMED CHURCH ON THEIR 150TH ANNIVERSARY

Mr. HOEKSTRA. Mr. Speaker, to begin with tonight, I rise today to recognize the congregation of the Graafschap Christian Reformed Church of Graafschap, Michigan, as they celebrate 150 years of service to God, family, and their community.

On April 4, 1847, 14 pioneers left Rotterdam, the Netherlands, with the hope of finding religious freedom and economic opportunity in America. They arrived in New York harbor on May 23 and settled on the south shore of Macatawa beach in Holland, Michigan, on June 20.

The settlers soon founded the Graafschap Christian Reformed Church, dedicating their first log church in 1848. As Graafschap Christian Reformed Church grew in numbers and strengthened her spiritual roots, its vision expanded beyond its own congregation and extended into its community. In the past 150 years, the church has been a strong supporter of Christian education. As a leader in community ministry, the congregation has supported and participated in mission projects around the world.

The past and present members of the Graafschap Christian Reformed Church have had a profound impact on the Holland, Michigan, area. Now with more than 500 members, the church is dedicated to continuing its spiritual mission far into the future.

I would like to extend my thanks to Graafschap Christian Reformed Church for 150 years of service and commitment to God and the community, and offer my congratulations on the celebration of their anniversary. May God continue to bless the congregation and their work in the years to come.

THE AMERICAN WORKER AT A CROSSROADS

Mr. Speaker, I would like now to move on to another topic, a topic that I feel very strongly about and that I have a high degree of interest in. The project is called the American Worker

at a Crossroads, because I think we recognize that the American worker is at the heart of our economy. It is not what Congress does, it is not what the President does, it is not what the Federal Reserve does, it is the American worker that is at the heart of our economy and determines whether we will have a thriving economy and whether we will move forward or whether we will move backward.

What is the purpose of the American Worker at a Crossroads project? Very simply, we want to promote the most effective workplace on the planet. We want to develop a system of laws and rules and regulations, an environment where the American worker has the opportunity to thrive and to be successful and to truly develop and contribute with all of their skills.

We want a workplace and a workforce and an economy that provides for the American worker when they assume their responsibilities, that when they step forward and assume their responsibilities that they will have security, that they will have flexibility, and because of the opportunity that is provided and because of their taking advantage or their taking responsibility for their future, they can have prosperity well into the 21st Century.

The process that we are going through as we take a look at developing a strategy is we are stepping back and we are taking a look at where the economy was in 1938, the 40s and 50s, but we have picked 1938 as a classic year because this is when many of the labor laws were originally developed. And we are saying, what was 1938 like and what was the environment and what was the economy like in 1938 and how does that compare to where we were in 1988 and where we are in 1998 and where we expect to be after the year 2000? And as the set of laws and rules and regulations that developed out of the 30s and 40s is that the kind of framework that is going to allow the American worker to be successful in the future?

We are also taking a look at whether the programs and the activities that are currently taking place in the Department of Labor, an agency that has a budget of somewhere in the neighborhood of $35 billion per year, which makes the Department of Labor bigger than all of the expenditures in the State of Michigan, are the expenditures in the Department of Labor helping the American worker to achieve their dream and their vision, or is it a barrier to the American worker to compete in this new environment?

So, under the Results Act, which says we are going to every agency in government, and I have oversight specifically for the Department of Labor, we are asking them to meet the Results Act. Where are they going? How are they going to get there? And how will the Department know whether they got there or not?

Those are some very basic questions that we should be asking of any agency that gets over $30 billion per year.

Also, as we take a look at the future of the American worker, we are going out into America and we are taking a look at the American workplace. In the last 2 months we have had 22 roundtables in five different cities where management and where workers, where academics, where public policy experts, business owners, managers, workers, union members, nonunion members, locally elected officials, have all told us about what is working and what is not working in the private sector, what is working in regards to American labor law and what is not working, where we are facilitating and where we are a barrier.

We have had a great response. We have learned a lot, and I will share a little bit of that with you as we go through the special order tonight, but it has been fascinating. American workers are being successful. They are competing on an international basis; and many of them are doing it very, very successfully.

That is what this project is about. It is about each and every American worker. It is about each and every American who wants to work and to contribute to this country.

It is about the single mom. It is about the young father. It is about the young couple who are saving for their first house or for the middle-aged couple that is facing the task of helping their children go through college. It is about the kids who are in college, the skills that they are going to need to make sure that they can become successful. It is about the young people that are out there that are making the decision as to whether they are going to go to college or whether they are going to go into a trade or technical school, because we need a balance of those occupations filled in this country if we are going to be successful.

This is about the real world. This is not about sitting in Washington and reading documents. This is about going to the actual workplaces, going to the American worker and going to the different communities around this country to find out what is working. This is about trying to connect what Washington is doing to what is going on at the grassroots level.

□ 2045

It is about trying to see whether there is a connect or whether there is a disconnect between Federal labor policy, Federal labor law and what we really need to do to be successful. As we go through this process, I think it will lead to a dialogue about change, about how do we create a more favorable environment for the American worker that recognizes perhaps that the economy of 1998, but more importantly the economy of the year 2000 and beyond, is very, very different than the economy and the society that we had in 1938 and 1948 when many of these laws were first created.

Let us take a look at 1938. What was 1938 like? Remember, this is the era when the Federal Government started to exert a more powerful role in to the relationships between employer and employee. You really cannot judge whether that was good or bad. That was 60 years ago. But let us take a look at 1938 and recognize that many of these laws are still on the books and take a look at 1938, take a look at 1998 and say, would you, is there still a match or have we changed?

In 1938, 20 percent, 20 percent of all American workers were unemployed. Today the national unemployment rate is in the neighborhood of 4 to 5 percent. What kind of workers did we have in 1938? What were the American people doing? The employment picture for America in 1938 reflected that one out of every five, 22 percent of the American workers, were agrarian, worked in agriculture, 78 percent were nonagrarian.

Where are we in 1998? Today we have 2.5 percent of the American work force involved in agriculture, and 97.5 percent of us work in something other than agriculture. What about in manufacturing? Well, man if we lost all these jobs in agriculture, they must have moved into manufacturing. No. In 1938, 33 percent of the nonagrarian population, the nonagrarian work force, 33 percent worked in manufacturing. What is it in 1998? It is 15.4 percent. We went from 33 percent of our work force in 1938 working in manufacturing to today where it is 15.4 percent. Where did they go? Retail is up from 15 percent to 18.1 percent. Services is up from 11.4 percent to 28.8 percent. So we have seen a dramatic increase in services.

Another fast-growing compared to manufacturing or agrarian which went down in employees is the size of government. In 1938, 13.1 percent of all American workers worked in some level of government. In 1998, it is 16.3 percent.

What else is different about 1938 versus 1998? In 1938, the average life expectancy for Americans was 59.7 years. Today it is 75.8 years. Interestingly enough, 70 percent of the Members of the United States Congress were born after 1938. Most of the Members or a good number of the Members in this chamber were born after some of the most significant labor laws were developed in this country. Those laws are still in effect today. In 1938 is when the Fair Labor Standards Act was signed.

Also if you take a look at 1938, there was no television, no computer chip, no personal computer, no e-mail, no nylon, no compact disk, no Home Depot, no Intel, no Wal-Mart, no Microsoft. For some there was also no

Bill Gates. Probably also no telemarketing, which probably would have been a blessing for all of us.

The question now becomes do those changes encourage us to take a look at labor law and say, does it fit or does it need to change? Since American workers are doing different things in different types of occupations, do we really need to take a look at whether the labor laws that were put in place still match these new industries?

What is one of the fastest growing sectors in our economy today? It is the high tech industry. It is about $866 billion per year. It is 50 percent higher than the construction sales. How big is it? It is bigger than the sale of all food products. It is bigger than the automotive industry. The high tech industry is 866 billion; the automotive industry is about 433 billion.

What we need to do, this is what the American worker project is about, is we are stepping back, we are taking a look at American labor law. We are taking a look at the agencies that have oversight over our workers and over the workplace. What we are intending to do as we step back and analyze what we have, where we want to go, we are deciding that we are going to develop a plan and a strategy to create a playing field that is clearly proworker, taking into account what do we need to do to provide security and flexibility, recognizing that workers first have to step up and assume some responsibility themselves, but provide security and flexibility also in a rapidly changing world. How do we make sure that employees today, where rather than the expectation being you are going to be in one job and you are going to be there for 30 years and retire from that firm, you may go through four career changes in your lifetime, in your professional career?

It means that we really need to take a look back and say, how do we prepare or how do we provide and encourage or create a greater opportunity for workers to participate in training, for education to make sure their benefits move with them from one job to the next? How do we allow them to prepare for anticipated technological changes? How do we provide an environment where the American worker can prepare himself or herself to compete in a global economy?

We need to create a proworker agenda because it is the American worker that is the driving force in our economy. We have to create an environment where the American worker has the opportunity to be successful so that as companies choose where they are going to locate their plant, whether they are going to locate it in Michigan or whether they are going to locate it in California, which is the decisions that many times are being made today, but we also know that in a global economy, companies are going to be making the decision as to whether they locate in Michigan or whether they are going to locate in England or whether they are going to locate in China.

We need to make sure that as organizations go through the process of making those decisions that it becomes very difficult for them to come anywhere, to go anywhere else but the USA because we will have the best-skilled workers. We will have the best infrastructure in place. We will have the best learning environment. It is where people will want to work. It is where organizations will want their products and services produced because we will have the most talented work force. We will have labor law in place which allows those workers to be the most productive workers on the planet.

That is what a proworker agenda is about. It is not an agenda that is supporting business. It is not an agenda about supporting unions or bashing businesses or bashing unions. The focus needs to be on the American worker because it is the American worker that each and every day gets up and goes to work and works under the rules and regulations that we have put in place. And we need to make sure that those rules and regulations enable that worker to be the best-trained and the most productive worker in the world.

Let us take a look at some of the other trends that are going on, that have implications for the American worker. What kinds of trends do we see going on? We know that by the year 2000, the American, the population will reach about 270 million people. But we also recognize that the annual growth rate of our population continues to decrease. Back in the early 1900s, we were growing at roughly 1½ percent per year. By the year 2020, 2030, we will be growing at about 6/10 of a percent per year. What this means is that if we want to continue to grow and to expand economic opportunity, we are going to have to work to make sure that our workers can increase their productivity.

A second trend that will have implications for the American work force is that in 1995, we have about 4, 4.1 workers for every person who is over 65. So that means for the people who are between the ages of 25 and 64, we have about 4.1 for every person who is over 65. In 35 years, that ratio will switch. That ratio will move from 4.1 to about 2.3, meaning that there will roughly be 2.3 workers for every person who is over 65.

Obviously as the number of people in the work force versus the number of people who are over 65 creates a number of different challenges. There is an inevitable explosion in the cost of entitlements such as Social Security. The need for greater participation rate of people over 65 in the work force, that is a possibility. Do they want to work after they are 65? Does American labor, does American tax law encourage participation of people over 65 in the work force? Do we provide a neutral situation where there is really no tax advantage or disadvantage to participating in the work force or not participating in the work force? This tells us that perhaps by 2030, we ought to provide tax incentives to encourage seniors to participate in the work force.

Today the situation is much different. I do not know what the answer is, but I believe it is a dialogue that we ought to be having in 1998 rather than in 2025, because the sooner we start discussing this issue, the sooner we can start reaching a consensus on how we want to evolve tax law and American labor law in a way that will enable us to be productive in this country.

What is another trend that we are aware of? I think this is a positive trend. There is going to be a greater diversity in the American population. There will be a decrease in the number of white non-Hispanics from 76 percent of the population to 68 percent. There will be an increase in Orientals from 4 percent to 6 percent of our population. The Hispanic population is projected to grow from 9 percent to 14 percent. This can be a challenge, or it can be an opportunity. But I believe a growing diversity of the Nation's population in the work force is likely to create some very interesting opportunities. We will bring a greater diversity of skills and backgrounds into this country for us to learn and grow from.

What is another trend that we see? A change in the traditional family structure. In 1940, 67 percent of families consisted of a husband who worked and a wife who did not. Only 9 percent of families had two working spouses. By 1995, the man was the sole earner of only 17 percent. So from 1940 to 1995, we went from 67 percent to 17 percent. Two parents working in the family now is the reality for 43 percent of our families.

□ 2100

In 1970, 11 percent of our families with children under 18 were headed by a single parent. By 1996 that number had risen to 27 percent. By the year 2005, women are expected to represent 48 percent of the work force. More than 70 percent of mothers today are in the work force.

It is not a value judgment about whether those statements are right or wrong, good or bad. It is kind of like this is the reality that we have in America in 1998 and we need to take a look at what used to be nontraditional families or work styles or work patterns in the family and does American labor law recognize that kind of reality? Or was it set up to support and reflect the reality that most of the time there was a parent at home. That is not the case today.

Do we provide the flexibility, the opportunity for adults to have flexibility

in their job schedules so that they have a greater degree of latitude in making sure that a parent is home with a child, if that is what they choose to do, so that parents can adjust their work schedules perhaps to a greater degree of flexibility in relationship to when their children are at school, when their children are on vacation or perhaps when their children have a day off of school? Do parents have the kind of flexibility to match their work schedules to their children's schedules? Those are some questions that we ought to ask. How do we support a family to make different kinds of choices about how they will support their family?

There is a couple of other interesting trends. This relates to how we work. I mean technology is going gang busters. It is unbelievable what technology is doing in the workplace. I have been out of the private sector for a little over 5 years, and going back and touring different plants and going through different facilities it is amazing that even in 5 short years how much technology has changed work environments and really enhancing the skills and the capabilities of American workers.

What has happened to the cost of telecommunications? They have decreased significantly. What used to cost $9 in 1950, this is a charge for a 3-minute call from New York to the United Kingdom, in 1950 that 3-minute call cost $9. By 1996 we were down in the neighborhood of $3.

But I think even more interesting than the reduction in the cost of telecommunications is the change in processing capability. How many transistors can be packed onto a single microchip? It doubles every 16 or every 18 months. It is expected to reach 125 million by the turn of the century. What that means is the number of transistors packed onto a single Intel microprocessor. In 1971, a little over, roughly 2,000. By 1978, model number 2, we moved up in the area of perhaps 50,000. By 1997, we are approaching 10 million. And they are expecting by the end of the century to reach 125 million. And that has a very huge impact on the workplace. And the amazing thing is they keep packing this stuff onto a transistor while lowering costs.

We would all like to own a Rolls Royce, perhaps. Coming from Michigan, I would prefer to own a car built in Detroit. But if Rolls Royce or anybody who makes a hundred thousand dollar car had applied the same increases in productivity to producing a car that Intel and other chip manufacturers have put into their processing, a hundred thousand dollar car in 1975 today would cost $4.50. The cost of technology is going down, which is enabling us to increase the productivity, the effectiveness of the American workplace and will have a significant impact on the workplace of the future.

Let us talk about some of the places that we have visited. We have gone to a number of high-tech areas. We have been in Seattle, we have been in Silicon Valley, we have been in Dallas and Houston and Atlanta. Twenty-two roundtables. I think we have talked to 187 different people, most of the time in the area where they work, if not specifically in the facility that they work.

One message keeps coming back. We need skilled workers. We need a system that allows our workers to receive training, training, training, training, because the very nature of their jobs continues to evolve. We need an environment where we have skilled people entering into the work force and when they are in the work force they keep enhancing their skills.

Now, some workers may think that that's threatening, but in the workers we talk to it is exhilarating. The ability to take a job and grow it and grow it and grow it rapidly is exciting, because each time they learn and expand their job it is an opportunity to more fully utilize their God given skills.

What numbers do we see? Occupations requiring a Bachelor's Degree or above will average a 25 percent growth, or double the projected growth rate for occupations requiring less education and training. We need more skilled workers: Systems analysts, computer engineers. These are the third and fourth fastest growing occupations from 1994 to 2005. We need systems analysts; we need computer engineers. This is a fast growing industry. There are great opportunities.

This is also a kind of an interesting thing. When we are talking about software and we talk about the nature of competition, if you are a software engineer, we need you. And if we do not provide skills and opportunity for individuals to get those skills, what happens? We will have software engineers in other parts of the world, because when you are writing software, you are not limited by time or distance. If you write a program in Indonesia, if you write it in China, if you write it in India, you can probably get your product to the office next door faster than I could if I was in the office next door and just kind of walked over. You can get it over.

Remember the cost we talked about in telecommunications? Right now 11 semiconductor companies they had open requisitions for 17,000 employees. Nearly 40 percent of surveyed manufacturers said skill deficiencies prevented them from introducing new technology or enhancing their productivity. Manufacturers are saying we can increase productivity, lower the cost of our products, increase the value of the American worker but we need workers with more skills. Twenty percent of surveyed manufacturers said that they are potentially stopping business expansion because they do not have enough workers with the skills that they need. Eighty-eight percent of surveyed manufacturers reported a shortage of qualified workers in at least one job category.

What have we found in our site visits? We have gone there, we have invited people on the other side of the aisle to participate with us. The Department of Labor has been at all of our events. Remember the opportunity and what we are trying to do is obtain input from individual Americans on how they view their jobs, their companies and their workplace to better understand what is working and what is wasted. All of this with the intent of getting more money back into the pockets of the American worker and developing an American worker agenda; to encourage candid discussions; to make sure that America is globally competitive in the 21st century; to pinpoint and identify innovative practices; to identify emerging trends; to make sure that we can measure those trends versus the restrictions that may be placed on them in labor law; and to obtain an overview of the future.

We have had some wonderful success stories. One of the places we visited, we met with a group of management and union employees dealing with the maritime industry, an industry that has seen its work force decline from 30,000 to 3,000. They are going to come back to us with a proposal and say, you know, some of the labor law and some of the Federal restrictions, some of the problems were self-inflicted but some of it was the result of American labor law. We are going to come back to you with a recommendation from labor and from management on how we might modify that labor law because we would like to get those jobs back in America.

We have gone to a job training site and we have heard success stories about people who have gone through this. A welfare mom, for 13 years, tried to get into an apprenticeship program, constantly excluded. Finally got into another job apprenticeship program. She is 33. She is off of welfare. She has bought her own home, has her child enrolled in a private school. She is now living the American dream. She got the skills that were required, moved into a job, bought a home and is helping her child now get an education.

Here is an example one of the corporations we visited and one of the colleges that we visited. There is a lot of good stuff going on in America's community colleges. But this community college said before we do anything to give them, our students, advanced skills or college level skills, 60 percent of our students who are coming in are not ready for college level work. Think about this. How can we be globally competitive if 60 percent of our students who are entering community college do not have the basic skills to do college work?

The constant theme we get is the shortage of workers. Another success story. A small waste management, wastewater management plant, an excellent story of union and management coming together creating an innovative work environment, a team environment. We hear about participation, teaming, blurring the lines between management and employees to focus on the success of the corporation. Employee involvement. The result? The gain sharing plan. Because of this team effort between union personnel and management, $2,000 in the pocket of each worker in 1996.

Another thing people are talking about, different work styles. Telecommuting. People working from their home because of the change in technology. The need for flatter, more flexible work environments. The nature of work in many industries is changing and management and workers are recognizing that they need to work together to be successful in a global economy.

Another community college that we visited talks about in their program they formed a partnership. Key word: Partnership, teams. Whether it is between business and college, whether it is between management and workers, whether it is between unions and management, the marriage of labor and education is their theme, recognizing that the skills that they teach within their community colleges have to be directly translated and transferable into a job.

□ 2115

Talk about rapid change. We visited with a company, a high-tech company. Their planning year, they talk about a web year. I did not know what a web year was. They told me, "Well, our planning horizon is about 90 days." I said, "That is kind of short-sighted. Why do you not plan longer?"

In their industry they have as much change going on in 90 days as perhaps other people have going on in a year. As a matter of fact, this company, this high-tech company, 80 percent of their product volume in 1998 will come from products that were introduced in the last 3 months of 1997.

Talk about a rate of change. Think about this: 80 percent of your product volume comes from products that were introduced in the last 3 months of 1997.

And you say, it must be a small start-up company. Wrong. They have 15,000 employees, 15,000 employees, who now recognize that they have to compete in four areas. They have to be the most advanced and most skilled in technology. They have to be very good at marketing. They have got to keep their costs down. And they have got to develop an organizational capability. Because not only do they have to get it right, but they have to do it over and over and over again because of the shortness of the life cycles in the products that they are dealing with.

Does American labor law recognize this kind of environment when we go back to 1938 and it took, like, five and a half days to build a car? Today, General Motors can build a car in 26 hours; and a company like this recognizes that they have to produce new products because, next year, 80 percent of that volume will come from the products that they just introduced and they have the future of 15,000 employees in their hands.

Another corporation talked to us about areas of low unemployment. They have new challenges. Drugs in the workplace. We need to address and solve the drug problem. Workers who enter the workforce with a drug problem are not fulfilling their key responsibilities to their employer when they have this problem.

Workers need more flexibility. Different family styles, two parents working, they need more flexibility to be able to support their children at home.

What does that mean? That is something we are going to have to debate and work through. Every place that I have gone to has had a low unemployment rate. They take a look at our Federal programs and they say, have you got training programs for this and for that, training programs for this group? It is not what we need. We need the opportunity at a local level to address the workers' skill issue, that for those communities that have low unemployment the issue of training workers is very different.

When we have got 4 percent unemployment, the type of work, the type of skills and the type of effort we need to bring to those 4 percent in the workforce may be very different than if we are in an area that has 8 or 10 percent unemployment, may be very different in an area where we just had a major manufacturer leave and we are trying to retrain the workers that were in this business and attract new businesses.

It is a very complex economy that we work in, and we need to design flexibility within our programs so that the leaders at the local level can identify the problems and the opportunities that they have, and we have to recognize that they are best able to identify what they need to do about that.

Again, we have seen wonderful examples. Sometimes they say we are not maximizing what we can do because we have got so many rules and regulations coming from Washington.

A lot of talk about alternative work styles. What I am talking about here is we have got full-time permanent employees, we have got part-time permanent employees, we have got temporary workers, we have got contract employees, we have got leased employees. There are all kinds of different work arrangements. Should Federal labor law reward one or recognize one as being better than others?

Some of the highest paid workers in the high-tech industry love being contract employees or love being independent contractors. They love being independent workers who maybe work from their home and go and work for certain companies on a specific project for a specific period of time and then move on to another challenge or do that as perhaps they are developing a business. Is that better or worse than being a full-time permanent employee? Current labor law would lead us to believe that one is better than another. I am not sure that is the right case.

We need to recognize that people want different work styles because the type of jobs and the type of family structure and the type of challenges that they want and what is important to them may be very different than what they were in 1938 or 1948.

We met with a group of individuals who have disabilities. We have a decreasing rate of population growth. We should do everything we can to enable those people to be fully employed as well. Whether we have high growth rates or whether we have low growth rates, they deserve an opportunity to contribute in our society.

Then why is it that current Medicare and Medicaid assistance provides disincentives for these people to go to work?

One person mentioned that he has the opportunity to do this, to take a $30,000 a year job. If he takes the job, he will lose $29,000 a year attending care assistance.

Maybe there is a better way to do that, a compromise that says, we really want you in the workforce. You want to contribute. We know that this is not a good trade-off for you. As a matter of fact, this trade-off does not work for you, that if you go out and take a job and earn $30,000, the first $29,000 goes to replace what otherwise you would have got from Medicare or Medicaid. How do we fix that? How do we solve that?

It is the best solution for this individual. I think we can reach a compromise that would save taxpayers money.

Why are some of these things happening? It comes back to technology. Technology is opening up a whole new world for individuals with disabilities to contribute. We need to recognize that, and we need to modify American labor law to take that into account.

Finally, we cannot go around America and talk to workers and business without hearing about bureaucracy, red tape, and the Federal Government wasting money. Too often, these companies are burdened with costs placed on them by the Federal Government that add no value.

We have got to recognize that there are American workers and American businesses that are trying to be globally competitive, who each day are

going out there; and they are pinching pennies; and they are finding pennies; and they are saving nickels; and they are glad they do it. And when they do it, that money either goes to the employee or it goes back in investment or it goes to a shareholder or goes in lower prices. But that is a positive thing to do when we find waste.

What we are saying with the American working project is saying to the American worker and to American business, help us find that waste in government regulations. How can you save pennies and nickels in Federal rules and regulations that add costs to your business but do not add any value? What would you like to do in your business but cannot because Federal labor laws are in the way?

We need help to identify what works and what is wasted. We need help in identifying where we need to go and how we are going to get there, and we need help from the American worker. We need help because we are developing an agenda for you that will help you be successful, will help you be competitive and will enable you to be the most productive worker on the planet.

When we combine high productivity with high skills and a favorable economic climate, those high-paying jobs will be in America. That is where we want them to be. That is where we need them to be. And, by partnering together, that is where we will be.

My colleague from Pennsylvania (Mr. WELDON) is not here. I was going to yield the last 10 or 15 minutes of this special order to him.

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

EDUCATION IMPROVEMENT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the Minority Leader.

Mr. OWENS. Mr. Speaker, I also would like to compliment the gentleman from Michigan (Mr. HOEKSTRA), who spoke before me, a fellow member of the Committee on Education and the Workforce. I found his presentation fascinating.

I would certainly like to be a part of discussion on the items that he outlined there and hope that the committee itself officially can take up some of that discussion also. We will all benefit greatly from the kind of macrovision that he brings. And I salute the gentleman.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I would very much look forward to working with my colleague. I realize that it is a complex issue, and I really think that where we are beginning with a macropicture really allows us to go through a learning process in very much a bipartisan way. So thank you very much, and I look forward to working with you.

Mr. OWENS. Mr. Speaker, reclaiming my time, I salute the gentleman; and I congratulate him on his vision. I hope he understands also that a part of what he is talking about cannot be separated from education, what happens in our schools. He did mention the kind of training the workers will have to have, and that is what I want to talk about again tonight.

Education for the next 3 or 4 months is certainly on my agenda; and I hope to put it on the agenda of most of my colleagues, especially those who are on the Committee on Education and the Workforce. I hope that all the Members of Congress will not let the present discussion that has been launched by the President in his State of the Union address, a list of items that he gave there related to education, I hope that that wonderful list will not get lost. I hope that we will not have a fragmentation of the discussions about education to the point where we have all these tiny, separate discussions going on and there is no focus, no unity and no sense of priorities.

I want to hold on to a sense of priorities within that education list that the President offered. Some things are more important than others. One thing is key to everything else. Unless we understand that, I think we are going to lose out in our efforts to improve the schools, those schools that need improvement; and the great majority of American schools do need improvement, some more than others.

In the inner city communities, like the ones in my district and in many other big cities, inner city schools are on the verge of collapse. They have lost their education mission already. There is a ceremony going on where the kids come to school. But, for a number of reasons, education of the kind needed to prepare youngsters for the complex society that we live in is not taking place.

So I really want to focus finally on that. I think that some of the other things I have to say are very much related; but, most of all, I want to keep the drumbeat going for the improvement of education. It must be kept on center stage.

There is a dangerous education emergency in the inner city communities of America where most African-American students attend school, and I want to send that message to my constituents and to other representatives of African-American districts and to the people who live in these districts. We have an emergency which is far greater than anything else that exists in American education.

Other schools are in trouble. There is a need for improvement everywhere. Rural schools and schools where poor children attend are probably in similar difficulties to the schools of the inner city where most African-Americans attend school. But all schools can stand some improvement.

□ 2130

The emergency must be recognized, however, in the African American community, with leaders of the African American community. Members of the Congressional Black Caucus, everybody in a position which has any influence must be made to understand that our schools are falling behind at a more rapid rate every day.

The indicator of the African American education emergency, which has the highest visibility and the most obvious exposure of neglect, is the dangerous and counterproductive condition of school buildings.

I focused on construction, education and infrastructure, because that is most visible. If we cannot deal with that which is most visible and most obvious, then I have no hope that we are going to deal with the more complex in a meaningful and productive way.

There are a lot of people who want to micro-manage the schools and have an answer for every problem that exists in the schools. Most of the people who have all the answers never took a single course in education at any college anywhere or never read a book on education, but every adult in America has ideas on how to improve education.

But it is important that all of us, leaders and laymen, experts in education, et cetera, admit that there is something obvious that has to be corrected before we go forward on any other level. We cannot improve our schools with respect to the ratio of teachers to pupils in the early grades. That is one of the items on President Clinton's list, and I welcome that item, and we all should. It just makes a whole lot of sense. It is supported by a whole lot of research.

It is not the solution to the problem. Automatically children do not learn by being placed in a situation where there are fewer children with one teacher, but it does improve things a great deal.

However, you cannot have a better ratio of students to pupils unless you have more classrooms. You have got to construct more classrooms. You cannot have a situation where the teacher with the lower ratio of pupils to teacher can do anything, if the classroom that she has to teach in is unsafe, if it is poorly lighted. It is counterproductive with respect to education, and you are going to have no result from the initiative to produce more teachers and smaller classes.

There are many other problems which result in a denial of the opportunity to learn to inner-city, rural and

poor children all over America. There are other problems, other than construction, other than the physical infrastructure problem. But the physical condition of the schoolhouse itself tells the story of inadequacy with a loud and clear example.

We do not have to go into abstract reasoning. We do not have to go into syllogisms, deductive or any other kind of reasoning. We do not have to use boolean algebra. It is quite obvious when a school is 100 years old; it is quite obvious when a boiler in a school has a coal burning boiler and it is 70 years old. It is quite obvious there is a problem. It is quite obvious if you have coal burning furnaces in schools, you are contributing to a pollution problem that you are teaching children every day in the classroom should be eliminated. Some things are obvious, and, because they are obvious, it is a good place to start.

So I want to start to continue the drum beat today on this theme. But before I do that, I want to talk about two other items that still relate back to the central theme of we have an educational emergency, and the place to begin to deal with that emergency is to deal with school construction and improvement of the infrastructure, to be real about it, to follow through on the President's proposal that we have $5 billion for 5 years, which is totally inadequate, but it is a beginning, to use his initiative; to call upon the President to use the bully pulpit of the White House; to call upon the governors and the mayors in cities and states where they have a surplus now, a budget surplus, to let them take the initiative at the local and state level and deal with this problem of construction and physical infrastructure.

But before I add my new evidence to my argument, the evidence beyond what I stated last week, I do want to take time out to do two things.

One is I want to pay tribute to RONALD DELLUMS. I am very frustrated as one of the admirers of RONALD DELLUMS, my colleague from California, who is resigning from the Congress. I am frustrated because we have had several opportunities to have statements made on the floor on behalf of Mr. DELLUMS, and all of those occasions, the first hour, the second hour, the extra half hour, the extra time made today, all that time has been crowded, and it has been impossible to get the statement in, because so many people from both sides of the aisle have wanted to come forward and praise RONALD DELLUMS.

He is a magnificent human being, he is a magnificent leader, he has been a magnificent Congressman. Certainly whatever RONALD DELLUMS decides to do in the future, he will be a magnificent person in that arena also.

He is leaving the Congress, and his life and record, in my opinion, is a profound statement, and that statement sends a message of inspiration to all ages, including school age students. If I wanted to stay on the theme of education, I could certainly do it in discussing the life of RONALD DELLUMS.

I am by profession a librarian, an educator. As a librarian, I saw how popular biographies were with young people. Probably the section of the library most popular with young people is biographies. The fiction section, of course, is very popular.

Girls, I notice, read a lot of fiction, but girls also read biographies, and boys read a lot of biographies. So, in combination, biography, the study of the life of people, was the most popular section that I saw among young people when I was a librarian. I think it is good that that is so.

I have seen the development of channels on cable television which deal with a lot of biography, the History Channel, the Discovery Channel, the Biography Channel, and I think they are very entertaining and a very good way to pass on knowledge of our history and our culture.

The biography of RONALD DELLUMS is one that fascinates me. In my next career I want to be a writer, I want to write many things of many kinds, but I never was inspired to think of writing somebody's biography until the past few days when I have heard people making statements about RON DELLUMS. I have learned a great deal more about him as a result of these statements and some of his responses to these statements that I never knew before. I had quite a bit that inspired me that I observed on my own, but I have learned so much more.

RON DELLUMS' life is the kind of life you would like to have between the pages of a book on a shelf in a library where young people come in to read. In terms of being a role model for inner-city African American youth, I can think of no better role model than RONALD DELLUMS, an exciting role model. His life has been an adventure, an adventure of ups and downs and taking great risk and getting pretty close to the edge of the precipice in many cases.

He is a man who is an ex-marine, and young men like the whole macho nature of the Marine Corps and what that means, a guy who is a marine. He also in the crowning achievement of his career became the chairman of the Committee on Armed Services. The Committee on Armed Services is responsible for the legislation relating to the defense of the United States, the defense of the free world, the maintenance of some semblance of law and order in the entire world. That is where this marine rose to, the point that he was at at the height of his career.

How fascinating that is. He recently was given a Medal of Honor at the Department of Defense, and that, too, I am sure is an exciting story for many young people.

But we have learned from RON DELLUMS' own mouth that he was like a lot of inner-city youth out there today, on the precipice, walking on the edge of the cliff in many cases.

He was always very bright in high school and was slated to go places, and there was a chance for him to win a scholarship that would have paid for his entire college education, 4 years in college. But according to RON, in his junior year began to slack up and become interested in girls and the kinds of things and pitfalls that many youth fall into, not only in the inner-city but elsewhere, too. But he was very bright, began to take things for granted, slacked off, and he missed off on winning that scholarship that would have paid his way to college, and his parents were very poor. So he had to begin college working. And like a lot of young people out there, it was tough to work and try to go to college, so he dropped out.

There are a lot of dropouts out there, and they ought to know the story of RON DELLUMS. He dropped out. He could have just kept dropping, but he wanted to make something of his life, and he saw military service as an opportunity. This relates to something my colleague was saying before, it was an opportunity to get an education. Go into the military service, and you come out using the provisions of the GI Bill, and you get an education. You can have an education paid for.

That GI Bill was a revolutionary bill in the history of this country. They gave returning veterans an opportunity. They kept it going for quite a long time after that. So RON DELLUMS decided to join the Marines in order, really, his ultimate goal was to go to college and get an education. When he came out of the Marines, he was true to his dream and went to college and got his bachelor's degree.

While he was in the Marines, his experience there is a good example also to hold up to a whole lot of minority youth out there, African American, Hispanic, Asian, who from time to time, and I know, because I have been there, are going to face outright ugly immediate discrimination staring you in the face. Something is going to happen, and it happens all too frequently, that is going to make you seethe and boil, want to hit somebody, or give up.

RON DELLUMS had that kind of experience while he was in the Marine Corps. He had the highest score on a battery of tests that were given in his battalion. He came out with the highest score of all of the members of his battalion. So naturally there was interest in him. When they saw the score, people who were interviewing people for officers school, candidates for officer's school, wanted to interview RON DELLUMS.

Somebody had made a mistake and had not appropriately noted on the statement recommending that he be interviewed that he was not white, and RON was told by his sergeant to go down to the quonset hut where they were interviewing candidates for officer's school, and, of course, he was thrilled and went down and reported. The officer looked up at him and said, you know, what race are you? They noticed that he looked a bit darker than most whites. And they corrected the error, the omission that had been made, and they told him, you know, we thought you were white. I am sorry, we don't need you. I am not sure they said, I am sorry. They said, we don't need you, we can't use you.

That was one of those points in his life where he could have blown up on the spot and done something outrageous and gotten into serious trouble, or he could have crumbled away into a mass of suffering and feeling sorry for himself and hating the world and given up, but he didn't.

That incident, and many others like that, of course, only gave RON greater strength. So he went on, finished the Marine Corps, finished his college career.

RON DELLUMS came to politics in a very strange way. He was not seeking to run for office, he was just known among some young people to be a person of considerable leadership ability, and one day he was sort of tapped when they were considering a person to run for the city council, and he was a person who impressed them most as being most independent and caring the least about the glory or the patronage or spoils that might come with the job. He cared only about the fact that he wanted to speak his mind.

He so impressed the people making the selection that they chose him to run for the city council, and he spent a lot of time trying to run away from that call of the people. But he finally succumbed, and he ran and he won.

A similar call came later on for him to run for Congress against an incumbent in the Democratic primary, and he ran there and came to Congress as an African-American from a predominantly white district. That is the way RON DELLUMS came to Congress.

He came to Congress as an advocate known for his stance on peace, an advocate for peace and the environment. He came as an advocate for those principles that had been enunciated in the Berkeley movement. He came and found a lot of people waiting for him with all kinds of insults and traps.

□ 2145

His office was bugged and his phone was tapped and a number of things happened because RON DELLUMS was considered a great radical. RON DELLUMS came as the advocate for peace and saw that peace and the kind of life that was needed, the kind of resources that were needed to create a just society where people could live in peace and want to live in peace was being blocked by the humongous military budget and the amount of resources and dollars going into the military. So RON DELLUMS did another amazing thing, contradictory, the peace advocate became a member of the Committee on National Security. The Committee on National Security had on it a peace advocate that they did not welcome so much, so he had to endure quite a number of hardships there also.

I could go on and on, but there are a whole lot of things that we could write in a special book just for young people as we often write biographies and shelve them in young adult section and the children's section; there are biographies written particularly for children, particularly for young people, and there are numerous examples of the kinds of problems faced by young people today that would be very inspiring for young people if they were to read them. There are numerous things that also should inspire all of us.

Adults confronted with difficulties should take a page, a few pages from RON DELLUM's book, adults who want nice, tidy lives and see things in straight formulas should understand how this man's life is so admired and has become so productive as a result of dealing with these contradictions.

The advocate of peace who went on to the Committee on National Security. The advocate of peace who stayed on the Committee on National Security long enough to become a chairman of the Committee on National Security. The advocate of peace who would come to the floor and make a presentation reporting what his committee had decided and the votes of his committee, and usually the votes of his committee were overwhelmingly in favor of whatever had been decided and alone in the center would sometimes be the Chairman himself. The Chairman of the Committee on National Security often would have to vote, feel compelled to vote against his own committee's proposals on the floor. The authorizing legislation for defense often received a no vote from RON DELLUMS.

RON DELLUMS set us free. Those of us who always saw the military budget and the discussion of military strategy and security of the Nation as being off limits to laymen and felt we were sort of dependent on the experts, RON became an expert, an expert with the point of view of a man of peace. RON could explain the military budget in as graphic detail as any person in America. RON could discuss military strategy with the same kind of precision and sense of vision and understanding of what had to happen, what resources had to be matched with what forces, et cetera, in order to guarantee that America was prepared to defend itself. RON DELLUMS set us free and made it clear that a person who was a proponent of peace and a person who wanted to cut the military budget in order to create more resources for the education budget or for health care or for child care, that person was not unpatriotic. He sat there and talked about the defense of America first and talked about national security in terms which did not require a lot of wasteful spending that gobbled up and devoured resources that could go somewhere else.

RON DELLUMS set us free to understand the *Trident* submarine and many other kinds of submarines and the warheads on the submarines versus the warheads on the land base, versus the warheads of the air, and when we put it all together in terms of being able to defend ourselves against anyone, and how when we start adding to that we were just adding more expensive weapons that added nothing to our defense. He made us understand and set us free from the mystery and the mystique that most people like to bring and surround the whole matter of the military defense of the Nation with. RON DELLUMS was the kind of person who could come on this floor and actually change the minds of his colleagues. There are not many Congressmen who can do that. I have seen it happen over and over again. We make wonderful speeches on the floor, but we seldom change the minds of our colleagues. RON DELLUMS had the capacity.

Some people have said, some people that believe in democracy, who are not cynical about democracy, have said that the Representatives and Members of Congress are the tribunes of the people in our democracy, they are the tribunes. If we are tribunes, then RON DELLUMS was a tribune for the Members of Congress. He would summon us to do things that we normally might not have done. He could provide leadership and he could change minds and he could make those who disagreed with him always respect him.

In summary, I would say that in one single body RON DELLUMS carries the capacity for great passion as well as great wisdom. He was a person who felt—he is, this is not his eulogy, he still lives. He is a person that cares about whatever he undertakes with a great deal of intensity. He cares and lives with a great deal of intensity. But he also has a great deal of wisdom behind that intensity. I can think of no more noble mixture to describe and that I think all human beings should aspire to, the mixture of great passion and great wisdom, and that is the kind of person that we have been saluting for the last 3 days here in Congress. He deserves all the accolades that he has received and many more. RON DELLUMS is a model for all Congressmen and Congresswomen.

RON DELLUMS cared about education and he made a great sacrifice when he

left the arena of education and social service. He was a trained social worker. He left that arena to go on to the Committee on National Security because there was no one else to go from the peace movement. There was no one who had the peace perspective who was willing to go, so he was a social worker, he was very much concerned about education. He wrote, authored several bills related to education as well as to health care and some other items not related to defense, and he would certainly agree with the kind of proposals that I have been making here related to our education agenda for 1998.

Before I go back to that agenda directly, there is one other item that I want to also mention, and that is the fact that tonight, I came here from an exhibit called the African-American Odyssey. The African-American Odyssey is an exhibit across the street in the Library of Congress. It opened tonight and will be running for quite some time, about just that, the African-American Odyssey from the time the first slaves were brought into this Nation to the Civil War, and—not the Civil War, civil rights movement, past the Civil War to the civil rights movement. I think it is an exhibit that everybody in Washington ought to take a few moments to go over and take a look at. I think it relates very much to the President's initiative on race.

The President's initiative on race is one of his farsighted initiatives where he deliberately started a discussion of race and the implications of race relations in this Nation before there was a crisis and before there was a crisis, he wanted some basic items put on the table, he wanted Americans from all walks of life and all ethnic and racial groups to talk about race, talk about relations between groups, and I think that this African-American Odyssey exhibition and items like this have a major role in this discussion.

What has been absent in the discussion on race, the President's initiative so far, is a set of facts, pieces of history that everybody agrees to and understands on a just simple, factual basis. So much is not known about slavery, so much is not known about one of these raises that evolved from this discussion. Perhaps the race that is at the center of all of these discussions are African-Americans. Our relations with others, our relations certainly with the majority population is the most complex one. It has the most tangled roots, the roots are more tangled than any others in terms of history.

There are many reasons why this discussion of race has to deal first of all and most of all with African-Americans and their experience here and their experience in relation to the majority, the white Americans who are in the majority. So we need to, in this effort, and I would strongly recommend this to the President, I will do it in writing soon, we need to have a grounding, a scholarly grounding as we go forward in these discussions now and for the future.

The future may be 10 years, it may be 20 years. Nobody expects to solve any profound problems related to race as a result of initiating these discussions. It is where they have directed us, it is a sense of where we can go with these discussions that is most important.

So I would urge the President to commission a group of Nobel Prize winners from all over the world. Maybe 10 Nobel Prize winners who would be charged with the job of laying out a study of the history of slavery and race relations starting back to the beginning of mankind and bring it right up to the rape of Africa where large levels of human beings for the first time were uprooted and hauled away. They were not involved in a war where it was a result of a war and losing a war; they became slaves. They were not involved in a situation where the conqueror, despite the fact that he was in power, respected them as human beings. They were not involved in a situation like the Romans and the Greeks where the Romans chose to learn a great deal from the Greeks, although they had the power to enslave them; they were involved in a situation where because of the fact that basically the European nations were Christian, they had to justify what they did by reducing these slaves to a category of being subhuman. The rape of Africa, the Atlantic slave trade and the fact that so many were transported across the Atlantic in subhuman conditions and the fact of exactly how many. If we try to find out exactly how many or anything close to a reasonable discussion of how many, and we read the books that are written and find that they are ridiculous. We cannot find anything which really has substance on some of these fundamental issues like exactly how many people were on the continent of Africa, not exactly, but approximately how many people were on the continent of Africa when the slave trade began.

If we took a certain percentage out of Africa, what did that percentage look like? If we had the same ratio in today's population terms, what percentage of Africans were hauled away and what would the numbers be like if they were percentages of populations that exist now, so we would have a better idea of what terrible thing was done to a continent, black Africa, part of a continent.

I would like to see scholars who are more or less objective, who have been cited as being great scholars by Nobel Prize, the Nobel Prize process; I would like to see them be given the charge of assembling a body of people, other scholars and historians and sociologists like Gunnar Myrdal, the Swedish scholar did a study called the American Dilemma. He did it on one person and it had a lot of value at that time. There is a great deal of value having someone who is not immersed in the situation take part in a process of really trying to lay out all of the problems and having us look at the facts, the history surrounding the problems.

□ 2200

I do not think the government should pay for this. I do not think we should get into government paying for it, because it will lead to a whole series of restrictions and political decision-making about the results and the final product that would probably jeopardize the whole project.

I think foundations, and we have many rich foundations in this country and throughout the world. We do not talk much about the fact that there are a lot of big foundations in a few other countries, but certainly in this country foundations could pay whatever had to be paid to support this process. They could finance it.

So if we have a combination of top scholars recognized all over the world, being able to buy the best expertise available, they could pay for a staff of historians, anthropologists, sociologists, and write a total history. It may be encyclopedic and be quite long and take 5 or 10 years, but write a history that more or less every civilized human being everywhere in the world could respect because of the process that produced it.

From that history we could make some deductions. We could begin to see the truth. We could see a little part of that truth by going to visit this exhibit that I just mentioned.

It is a beginning of opening the eyes of a lot of people who take for granted a lot of myths about slavery and the process of slavery, the process of arriving to the point where a Civil War had to be fought, the role of the abolitionists. There are a lot of young black men who ought to know the role of the white abolitionists and other whites, including the white soldiers who gave their lives on the battlefields in the process of setting them free, of setting their ancestors free, and of standing for the principle that all men are created equal at a time that they could not do it for themselves.

That is one thing ought to bring us together and lessen the animosity among young blacks who feel that they have been victimized, is understanding the history that the whole flame of freedom and the whole insistence that every man is created equal.

What we see in the movie, "Amistad," the principle that John Quincy Adams sets forth, it was not self-evident at all because a great deal of propaganda and a great deal of rationalization, including bringing the Bible in and the myth of Ham, and Ham being cursed by Noah and told

that his descendants had to serve everybody else. All of those myths can be laid to rest if we had a really factual history of slavery from the beginning, a history of the freedom struggle here in this Nation that began with whites insisting that the institution of slavery was an evil institution.

The African-American Odyssey talks about that. It is a presentation at the Library of Congress which will have parts that will go on line. We can get it on the Internet. There are certain parts of this African-American Odyssey that will go into any school, college, library anywhere in the country because they have put it on line and we can get it from the Internet.

The Library of Congress is proud to announce it. This is paid for by gifts from Anheuser-Busch, the Philip Morris Company, Citibank, Fannie Mae Foundation, Home Box Office, James Madison Council, Library of Congress. In addition, a major gift from Citicorp Foundation to the National Digital Library of the Library of Congress allows this 5-year effort to transmit portions of the African-American Odyssey and some related rare and unique items from the Library's vast African-American collections to the classrooms, libraries, and community centers on the Internet electronically.

I think that if we interject this profound note into the discussions that are going on as a result of the President's initiative on race, it will lift up the discussions to new levels. I am not criticizing what has happened before. There are a lot of important things happening in small ways.

By the way, on the Internet there is a site called Promising Practices, and on that site one can find out what is being done in the race initiative, the President's initiative on race.

They also have a section which, from day to day, lists the kinds of activities that are going on related to the initiative; and another section called Promising Practices, which delineates results that have been reported, the kinds of things they recommend all over the country.

So this discussion of race and this understanding of race relations is not unrelated to my discussion of education in general.

Because I am now going to conclude by discussing the collapse of the school system in New York City literally. School construction, the dangerous nature of going to school in New York right now, February, 1998, and how the danger has mushroomed and why we are in a state of paralysis because people making decisions in New York City are not the same people whose kids are in those schools.

There is a difference in race. There is an element of racism combined with incompetence and bureaucracy that make its impossible to move forward on providing a decent place to study for the schoolchildren in New York City.

Even when the money is available, the evidence is that they cannot move. Nobody has a sense of urgency. There are not enough people in leadership who really care, so millions of dollars are sitting there waiting for something as simple and obvious as a conversion of a coal-burning furnace to a gas-burning furnace which does not pollute.

Mr. Speaker, we have 300 schools that have coal-burning furnaces. Of the 1,100 schools in New York, 300 have coal-burning furnaces. That is the statistic given to me. Some say 274, some say 284.

Mr. Speaker, would the gentleman from Maryland (Mr. CUMMINGS) like to speak? I would be happy to yield to the gentleman.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman from New York very much for yielding.

I want to, first of all, compliment the gentleman. I was listening to him a few minutes ago as he talked about education.

I also heard him talk about our distinguished colleague, Congressman RON DELLUMS; and I just, when I look at the gentleman's career and I look at that of RON DELLUMS' and I look at other congressmen and women who came before I did, it is sort of a sad day to see him go. And I know the gentleman from New York feels the same way.

But as I listen to the gentleman's comments, and I listen to others, there is one element that I wanted to add, tack on to it, and I really appreciate the gentleman giving me this opportunity.

When I was a student at Howard University here in Washington, RON DELLUMS was one of my heroes. We were at Howard protesting all kinds of things, and a lot of us saw government as not something we wanted to get into. We felt that it would be very difficult to go into government and not have to sacrifice our feelings, our concerns and our convictions.

RON DELLUMS was someone who was a hero for us. When we saw this man come into the Congress, a man who stood tall, who refused to bow to anything that was not consistent with his conscience, it made us feel good.

He also, as the gentleman well knows, is a man who is, like the gentleman from New York, consistently pursuing excellence, always standing up for what he believes in, always synchronizing his conduct with his conscience.

So, Mr. Speaker, I just wanted to take this moment to not only compliment the gentleman from New York for all that he has been doing, and he has been certainly a tremendous leader in the area of education. I have long followed his career, and I want to thank the gentleman for constantly pounding the podium, constantly standing up for children and constantly making the case known about African-American people as they struggle through very difficult times.

I was pleased to hear the gentleman talk about the exhibit, because that is very important, too. As was said a little bit earlier, we have to make sure that all Americans know the story of African-Americans and know the story of all the people and what part they played in creating this country.

So I take this moment not only to salute RON DELLUMS, but I also salute the gentleman from New York.

I thank the gentleman for yielding.

Mr. OWENS. Mr. Speaker, reclaiming my time, I thank the gentleman for his remarks and would like to certainly say that RON DELLUMS used to frequent special orders when he first came to Congress and was first frustrated. He spoke repeatedly about defense issues, Armed Services issues. The things that he was not allowed to say in the committee and could not get time to say on the floor, he came to say them in special orders.

So I am here because I am inspired by his record; and I hope that, on the matter of education, we will achieve the same results so that somewhere down the line we are going to make a breakthrough to the conscience of Americans and they will understand as much about the fact that education is the number one national security issue as we now understand about certain more obvious defense issues.

I thank the gentleman from Maryland (Mr. CUMMINGS).

Mr. Speaker, I think it is important to note that it is not only a national security issue, what happens with education. As my colleague, my Republican colleague, was talking about before, the workforce is going to be determined by the quality of education that we produce today. The workforce of tomorrow will be determined by that effort now.

It also is important for us to understand that we are subjecting our children to conditions. And I say we because, regardless of where you live, you may have a suburban school which is perfect, but if you are a decision maker here in Congress then you are part of the problem, too. Any Congressman who does not wake up to the fact that we have an education emergency in our inner-city communities, that emergency begins with something as basic as buildings, as basic as bricks falling from school buildings and striking children.

I talked about Yanahan Zhao last week. Just a week ago last Wednesday, I talked about Yanahan Zhao who was killed after bricks fell from a scaffolding that was being repaired by careless contractors who allowed that to happen.

I talked last week about East New York Transit Technical High School.

That is a high school building where the back wall, the whole wall, a wall that weighs 10 tons and was 500 square feet collapsed into the school yard. And the only reason large numbers of children were not injured or maybe killed was that the wall collapsed on Martin Luther King's birthday when school was out. It was a holiday.

I talked about that was only the beginning. I gave some examples from across the country where other kinds of accidents are happening that are endangering children and teachers in schools, and I invited all of my colleagues to begin the process of collecting examples of mishaps that have endangered children or injured children or certainly that have taken the lives of children.

There are many that never get reported. There are many that may get reported in the local paper and we may never know about nationally, but I think we do ourselves a great favor. It would be very useful for all of us to start collecting examples of where we fail children in the most basic way.

We can debate a long time about whether we are teaching them reading properly. There is a great debate whether we should use the whole word method or phonics. There are debates about the importance of technology versus the importance of fewer teachers. There are all kinds of debates raging around instruction and pedagogy which will not be settled easily.

But, Mr. Speaker, we can see a building where the ceiling has fallen in many classrooms. We can see the walls on the top floors of many schools. We can look at the age of many schools that are 100 years old and know the problems they are going to have.

We know they have lead pipes in the plumbing and that if the children are drinking water and the pipes have not been changed and they have lead pipes, that may be a danger.

We know if they have been built in the last 50 years that they have large amounts of asbestos in the walls for various purposes, not just the roof but also in the insulation.

We know certain things are directly related to the age of a building, and we know that certain buildings cannot be wired with new technology because the facts are the wires will not take it. We know these things are happening.

So let us document it for ourselves. Let us document it for all of those who do not believe it.

The sight in New York is more obvious. We have The New York Times, which goes all over the country, which reports the most dramatic local news when children are killed by bricks falling; and the New York Times, along with other local papers, reports another incident that took place this Monday. Those who are skeptics and do not believe it, listen: Seventy-five children, three teachers and a custodian were stricken with nausea, dizziness and headaches; and 1,250 people were evacuated as carbon monoxide and other poisonous gases from a 70-year-old coal-fired furnace drifted through an elementary school in Queens.

□ 2215

This is a report from the New York Times dated yesterday, February 3. Seventy-five children, three teachers and a custodian stricken. Every child was traumatized. They had to be marched out of the school. There were ambulances and fire trucks. Every child experienced that, I assure you; whether they vomited or fainted or were clutching their throbbing heads and churning stomachs or not, they still were affected in a very negative way by this experience. So it is impacting everybody.

The cause of the fumes were still under investigation on Monday night, but the board of education suspected human error. On the morning of chaos that raised questions about the safety of coal-fired furnaces in the city's schools and about funding and priorities and rehabilitating an aging, often crumbling school system, the pupils of PS 127 and its staff of 100 were evacuated twice. First they had a terrible smell that took the kids out, but it did not smell bad enough and it was not obvious enough, so they took them back in. But on the second time when they came out, there were ambulances and fire trucks, and many had to be treated at a hospital.

I talked about Yanahan Zhao as one of those heroes that we do not want to see repeated. We do not want to see any more children killed as Yanahan Zhao was killed. I do not want to see any other kid like Jodyann Sibbles, 10 years old, a fifth-grader who said that the school smelled like rotten eggs, or any of her colleagues who found themselves, her fellow students who found themselves vomiting. Francine Johnson who stood with her daughter Yolanda, I do not want to see children like that who think that they might have been killed. Her mother said maybe she was overreacting, but carbon monoxide can kill you.

I do not want do see children subjected to bureaucracies of the kind that has appeared in today's paper where you have officials of the board of education using very strange language. If you want to know exactly what I am talking about, listen closely to these statements. The officials say that the incident was the result of human error and not caused by the age of the furnace or the crack in it that was discovered during the investigation. The furnace is 70 years old and fumes were escaping, and they have some explanation about a new man that was putting the coal in, left a door ajar, and that interfered with the way the fan was blowing the air, et cetera. But during the investigation they discovered that there was a crack in the furnace and they said, no, there is a crack in the furnace, but do not worry about it. That is not the cause. Why would not a crack in the furnace, where the furnace is 70 years old, not be a possible cause?

These same school officials admitted that they had made a mistake last month when they investigated the school heating system, and they put in a request for funding for a heating system upgrade. They did not put in a request for a new boiler. The money is available to replace the coal-burning furnace, the boiler that burns coal. All they put in for was an upgrade of the radiators and the ventilation system, not the boiler.

The spokesman for the board of education says that now they are going to put the school on the list to have a boiler replacement. What reason does she give? Parents are alarmed. It is not that they made a mistake, not that they were callous, it is not that they are guilty of child abuse and neglect, they do not care enough to use the money available in the right way. No, parents are alarmed, and since parents are alarmed, rather than just make repairs, they decided to go ahead and do the full conversion. Almost half of the students stayed home yesterday because the parents felt the school is still not safe despite the fact that it is now open again.

The city council has agreed this year to fund 21 boiler conversions in 279 city schools that are still heated by coal-fueled furnaces. Those numbers continue. Another 63 conversions are being funded with State bond money and board of education funds. Not all the schools have been identified.

The board of education officials say there was no serious health problem at this school, PS 127, as a result of the exposure to carbon monoxide which was three times the acceptable levels on the school's first floor. Seventy-five children, four adults were treated at area hospitals for headaches, nausea and symptoms. The board of education said there was no serious health problem. The air quality returned to normal, they said, with a level of carbon monoxide measurable three parts per million, well below the acceptable level of 34.

It has not been mentioned at any time by any official of the board of education that if a furnace has a crack in it or if there is something wrong with the ventilation system, the employees make mistakes and more carbon monoxide comes up into the school than should come from the basement where the boiler is, that children may be harmed if it happens on a small scale every day, and you cannot detect it because it is not so dramatic and obvious. I would not want to send my child back to that school until the coal-burning furnaces were replaced or

something happened to remove that danger.

It is highly probable that if the boilers, all three of them, this is one of three boilers, all are 70 years old, that there is enough carbon monoxide or other pollutants escaping on a small scale every day to cause harm to the health of the children because children are very susceptible to pollutants. They are the most endangered. So if you have that condition, you do not have to talk about three parts per million, well below acceptable levels of 34, if you know seepage is there.

I do not think any member of the school bureaucracy would want their child to go to that school. I do not think any person with any common sense would want their child to continue to go to that school. Yet this is the kind of condition which probably exists in all of the coal-burning schools.

The efficiency of a coal-burning boiler that is 70 years old, and most of them are about that age, is such that you know you have the leakage. Even the most efficient coal-burning boiler is spewing pollutants high into the air which fall back and create other problems like the high rate of asthma in New York City.

Let me just close my argument. These things are happening in a city that has the money to make the repairs and to convert the boilers. There are three sources of money. The school, the City Council of New York City several years ago appropriated $1 billion to start the process of converting the coal-burning furnaces to oil or gas, less polluting substances. They made the money available. The board of education has no explanation as to where the money went.

We had an environmental bond issue at the State level, and part of the money raised from a more than a billion-dollar environmental bond issue was dedicated to the conversion of coal-burning boilers in the schools to updated, more efficient boiler systems. The power authority, the New York power authority, was given money even before that to start the process of converting the boilers in the schools. That money came from a consent decree which showed that one Exxon was not doing some things properly. They had to agree to compensate for it by making a lot of money available for some projects designated, related to energy. So the power authority was given the authority to spend money to convert the boilers. The money is there.

For some reason they say it costs $1.3 million for the conversion of each school heating system; 1.3 million seems like a lot of money to me but I will not quarrel with that at this point. If you divide 1.3 million into the amount of money that has been appropriated, I told you a billion before came from the city council, 28 million came to the school construction authority from the State environmental bond issue in fiscal year 1997, another 50 million in fiscal year 1998, this year, and the power authority had a large amount, several million before that. With all these millions, if you divide them by 1.3, you will find that the number of schools, eight schools, they are working on eight schools, they have not fully converted any, eight schools.

So I close by saying the fact that bureaucrats who do not feel any sense of urgency are in charge of the schools impedes the process of improving the infrastructure even when you have the money. Nothing is more important, and we feel that there is a state of emergency and that we do what is necessary to take control from these bureaucrats and upgrade our school infrastructure as rapidly as possible.

REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this evening I wanted to come before the body tonight and talk a little bit about the freshman Republican class, that group which was elected in 1996 and has now finished 1 year serving here in Congress and is embarking on the second year. I recently became elected President by that body, and tonight is one of those opportunities where I wanted to talk about our agenda and some of the things we are trying to accomplish here in Washington as a new freshman body.

This group is 34 Members strong, and over the 3-month break that we took recently, from which we just returned, the 34 Members of the Republican freshman class endeavored to spread out across the country in our respective districts holding a number of town meetings and visits and so on. I wanted to talk about some that I had occasion to conduct and also those that had been reported back to me, and other Members perhaps will be here.

The 34 Members also have been involved in putting together a number of projects and proposals that we are trying to push through this Congress. One of those which we unveiled just 3 weeks ago entails a Republican freshman tax relief package. It is spearheaded by the gentleman from Pennsylvania (Mr. PITTS), and this package has four basic provisions that I would suggest that the House ought to consider quite seriously, and in fact these proposals are becoming the basis for further discussions of tax relief that are occurring in the Committee on Ways and Means, by the chairman, and being supported with the effort of our Speaker and other Members of leadership.

The first of those provisions is a provision that involves 100 percent deductibility of health care programs or the benefits that small employers provide for their employees. Under today's current tax structure, section 106 of the Internal Revenue Service code, section 106 provides for a 100 percent deductibility of health insurance benefits for large employers, but small employers, the small entrepreneurs, those individuals who provide the majority of jobs and entrepreneurial spirit of our country, have not achieved that parity yet. That has been a long-term stated goal, but at this particular point in time, again taking a look at where the real strength of our economy comes from and where the expected growth is likely to occur, it is quite clear that this benefit, this tax advantage, ought to occur to all entrepreneurs in America, all those who would propose to create economic activity, create opportunity to create jobs in fact for our country.

This second provision of the bill is the elimination of the marriage tax penalty. The notion that families should suffer additional tax burdens simply due to their decision to become married is one that is particularly onerous and seems in many ways to be un-American certainly and really violates our strong regard for the strength of the American family as the most basic central and essential social unit in our Nation. Eliminating the marriage tax penalty is a goal and an objective that we take quite seriously, and we will be pushing for it quite vigorously in the coming months until we achieve success in arriving at moving the legislation forward and eventually putting it on the President's desk.

□ 2230

The third provision is one that involves education. Currently, there are many States throughout the country that are setting up educational accounts where parents are able to prepay college tuition for children. Now, on a State level, and certainly at the Federal level there are significant number of advantages that are companion with that goal and objective, too, but in many cases seems to be isolated.

This provision is one that, in fact, broadens the number of choices of educational institutions that families might choose for their children in setting dollars aside now while their children are very young and allowing these funds to grow in a way that is unmolested by our tax code to that point in time when they would decide to go ahead and go to college and get accepted at the school of their choice. That is an important provision of the overall tax bill that we have moved forward.

The fourth provision is one that really moves us toward our goal of encouraging savings and investment. The Republican Congress last year provided

significant advantages for those who do save money and savings on earnings, but the tax on interest earnings still, in our opinion, is prohibitive.

And there is a lot more that this Congress can do to relieve the tax burden on savings and investments and the earnings of those investments in a way that will allow our economy to grow, to encourage more and more people to put more money into savings, and to providing capital for other entrepreneurs and others who are in the business of creating wealth, creating jobs and moving our country forward economically.

Those four provisions outline the proposal that we have put forward and is one that has been warmly received here in Washington but, more importantly, has been warmly received by the taxpayers throughout the country and throughout the districts that are represented by those Members who have put the plan forward and others who have joined us in the effort.

I want to tell my colleagues about some of the things that I had heard over the three months that I traveled throughout my district in the eastern plains of Colorado. There were a number of news stories that occurred over that time period suggesting that, it was some polling data actually, that revealed that young people in America have somehow lost interest in citizenship and the whole concept of their role as citizens in our country.

Here are some articles I brought with me, one from the Washington Times that says that college freshmen have the blahs, survey indicates. Academic civic apathy reached record levels. Student poll finds soaring apathy levels. College freshmen aiming high for marks in income but developing a philosophy of life can wait. This article in The New York Times.

The National Report further highlights this apparent trend that some pollsters seem to have found that young people are interested in other things but not civic virtue in contemplating their roles as actual leaders of our country.

USA Today reports that money, not learning, is freshmen's top goal, a freshman in college. And it talks about how the research again confirms, according to USA Today, that young people are not focusing on their eventual roles as leaders of the country and do not think in patriotic terms.

Los Angeles Times, freshmen get high marks in apathy and so on. And there are several more here too from Boston. Boston Globe, college freshmen called more detached.

I have to tell my colleagues that I found just the opposite in my travels, to the places I went. I spent a lot of time visiting local schools and talking with lots of young people. I want to talk about one person in particular, who I have had a chance to get to know. She lives in Limon, Colorado, which is a small town out in the eastern plains of my State.

Amanda King is her name. She is 16 years old. I had a chance to go visit her school and spoke with a number of her classmates and acquaintances and teachers as well. They are very proud of her. She is one who has been involved very directly in the political process and one who does take her role as citizen quite seriously.

Her goal is to go on to college and, in fact, to learn about government, to learn about political science, and to learn about the political system that allows each and every individual, including individuals her age, to play a meaningful role in moving our country forward. When I asked her what her goals and objectives are, what she wants to do with this degree at some point in time and how she wants to serve the country, she said she just generally wanted to help make government better, to make life in America a little more positive than it is today.

She said that she believes that there are great opportunities for young people to be involved in the political process and to set high standards for themselves and establish ambitious dreams and to achieve them.

I asked her what motivated her in that regard; what gave her the interest and how was she inspired in such a way to think in such terms about her country. She credited her teacher, Mr. Fiedler, who was the 7th grade teacher, at Limon High School. Now, Mr. Fiedler is no longer the 7th grade teacher, he has become the principal. And it is teachers like that, I have met several of them over the course of the several years I have been privileged to serve in public office, to meet individuals like this who have inspired young people, who have found ways to use the lecture forum of their classrooms to talk about our great country, to talk about how academic success in a classroom leads to economic success for the country over time.

Several other places that I visited, a lot of other classrooms that I visited in Fort Collins and Loveland and Greeley, Colorado, out in Sterling and Flagler, in Limon, down in the town of Las Animas, in the southern part of my district in Colorado, had similar experiences with many of these young people. And it was, in fact, refreshing. It was something that suggests that these polls, while they may be true in some quarters and some segments of the country are certainly not true in rural America. Again, indeed it was very gratifying.

People are concerned about taxes, Mr. Speaker. Most of the town meetings that I attended and the people that I spoke with believe that at a point in time when our economy seems to be most productive and our economy seems to be very good, that this is the time we ought to consider not only reforming our prohibitive Tax Code, one that is a confiscatory strategy that, from the regulatory perspective, treats taxpayers as though they are guilty until they prove their innocence, if they are questioned and audited on tax matters, but also, again, in addition to reining in the abuses that seem to occur at the Internal Revenue Service on the enforcement side, was a call for wide scale reform of our income Tax Code.

The graduated system of income tax collection that we have today and income tax assessment is one that punishes hard work and punishes those who seek to achieve more economically in our country. And those who have been confronted with that kind of a tax system for so long are crying for relief and demanding that politicians take them quite seriously and commit themselves to devoting the time and the attention and the energy to reforming the tax system.

As the Speaker knows, we have two prevailing proposals for wholescale reform of the income tax structures, a national consumption tax that has been supported by the other gentleman from Colorado (Mr. DAN SCHAEFER), another SCHAEFER from Colorado, and promoted primarily by the gentleman from Texas (Mr. BILL ARCHER), the Committee on Ways and Means chairman, here in the House; and also a competing version of tax reform pushed primarily by another gentleman from Texas (Mr. DICK ARMEY), our majority leader, and that provision calls for a flat tax. That tax would flatten out the graduated nature of our income Tax Code as we know it today and eventually arrive at one low, flat, fair rate which would treat all taxpayers equally and begin to reward entrepreneurial success, reward investment and so on.

Both tax proposals try to achieve the same thing in that regard, and it is a matter of strategy and tactics as to how we move them forward and which seems to be the most successful in earning overall support here in the Congress and throughout the country.

These discussions ought to take place right now, especially when we have headlines that we have seen about a supposed budget surplus that we are anticipating and expecting. Over the 10-month period from November of 1996 until November of 1997, we actually accumulated an approximately $2.4 billion surplus. This is the first time this has occurred in many years, certainly in the length of time that I have been involved in the political process and following politics. And so the question occurs as to whether this is the right time to strike, while the iron, as they say, is hot.

Sustaining our economic growth seems to me to be the most important thing that we as Americans can do to move toward not only balancing the

budget but getting us toward real debt relief. Resolving our question of a mounting Federal national debt is a far bigger problem that looms over us and costs us more than anything else in terms of jobs and in terms of economic growth. Sustaining the level of economic growth that the American taxpayers have been able to achieve and the American entrepreneurs have been able to sustain in spite of poor tax policy that we maintain right now is an objective of a very high order, in my estimation.

The fact of the matter is that the impact of high Federal debt is no different than high Federal taxation. With the debt-based currency that we have in the United States, high debt effectively reduces the value of every single dollar that every American carries around with them today. And manipulating the management of that debt has the ability to effectively tax citizens to higher or lesser degrees, depending on decisions that are made, in many cases, without any scrutiny of elected officials or Members of Congress or people in the White House, for that matter.

But there is a very positive side to strong economic growth that we see right now. I want to share with Members who may be watching, a few comments that appeared in our local papers. There was an article back at the end of December how economic success in America today is filtering its way down to local charities. There was a man named Jerry Langley, who is vice president of a McDonald's corporation, this is in Illinois, and he said he helped soften the tax bite on his investments by donating shares of stocks to selected charities. Now, his business seems to be doing fairly well at the present time and he is finding that his ability to engage in charitable contributions is better now than it has been in some years.

For instance, here is another example. The American Red Cross said that contributions were up 120 percent to that organization over the previous year. And the United Way noted that they had realized a 17 percent growth in gifts of more than $1,000. Don Struke, who was a spokesman for the United Way Foundation, says what we are seeing is definitely an upturn in giving.

Now, I would point out, Mr. Speaker, that when it comes to real humanitarian and compassionate concern that we have and that we express here on the floor of the House from time to time, that this is real charity. When individuals are able to put the fruits of their economic growth, their productivity toward the charities of their choice, a number of things occur. One, is there is no bureaucracy.

When Mr. Langley here makes a contribution directly to the American Red Cross, these dollars are not filtered through Washington, they are not filtered through various State capitals, they are not filtered through various bureaucracies that are involved in the distribution of public funds for government charities. No, these dollars go directly from charitable donor to charitable organization and make their way directly to the individual who is in need, the poor person who is the beneficiary of some of these organizations or those who are confronted with the tragedy in the case of the Red Cross.

It is without question a time in which we are able to help more people with fewer dollars and less government. That ought to be our message that we move forward in this Congress when it comes to how we deal with budget surpluses, how we deal with a huge bureaucracy that still needs to be dealt with, and a strategy toward shrinking the size of Washington's influence in the lives of Americans.

Here is another story. Workers coming off welfare to get job help. Volunteers in a new county program to provide circles of support for 2 years. This is a story out of Larimer County, Colorado. There is a program that has been established by county commissioners at a local level called Larimer County Builds Community, and it will match former recipients of welfare with advocates from local faith-based organizations, service groups, and help these recipients make the transition into sustaining employment.

□ 2245

Now imagine that, Mr. Speaker. Imagine a welfare system that utilizes faith-based and spiritual organizations and charitable groups in a way that is helping people come off of welfare and achieve self-sufficiency.

A strong economy is certainly making this possible. Individual contributions and donations that come directly from these groups and organizations is adding to the momentum that welfare reform has established in the country.

But, more than anything else, the message that the Republican Congress has sent by crafting a responsible welfare reform provision is this, that self-sufficiency makes more sense, it is more rewarding, it is by far a better way to achieve a high degree of human dignity than any more levels of government spending, higher levels of spending, or greater degrees of bureaucratic management of the way in which people live.

This is a great story. This is an American success story. This is a real testimonial to the strength of local governments and local entities getting involved in welfare reform that they were never allowed to do previous to welfare reform coming out of Congress.

By providing that level of freedom and liberty at the local level, we are helping real people get on their feet, helping them re-enter the job market, helping them become self-sufficient, helping them enjoy life in America as Americans ought to be able to. It is a real cause for celebration, not only by those that are associated with welfare programs and with these charities but for the actual individuals themselves who are no longer dependent on bureaucrats, no longer dependent on taxpayer subsidies, no longer are dependent on a welfare system that over the last several years has been so cruel and so heartless.

A strong economy, a compassionate welfare reform program is by far more humanitarian, more charitable, more compassionate than large government and the solutions of big bureaucracy.

"Consumers Are Upbeat" is another news story that many people in my district were talking about. "Consumers were upbeat so much so that it is a high," the article says. This is an Associated Press story that made big news out in Colorado.

> Consumer confidence surged to a 28-year high in December, a milestone for an economy embarking on its eighth year of expansion. Growth is up. People are employed. We are competitive with the rest of the world. What's not to be confident about?

That is again something that we had heard repeated over and over again at our various town meetings and voiced as a strong indicator of why we ought to move forward on further tax relief for our country and do so in a way that will sustain economic growth and allow us to bring down our looming debt that looms over us even today.

Here is another one, Mr. Speaker.

> Today Colorado income studies shows that the poor did better. Did you hear that, that the poor did better? What a strong economy does in a capitalist society like ours is allows those who have been struggling for years and years to move from one income category to another, a final chance to actually achieve that. The average income of Colorado's poorest families increased faster than the average income of the State's richest family over the last decade, a new study says.

Now, this is a national study that focused on every State and highlighted the particular features of this study in all States. But in Colorado, where we have enjoyed wonderful economic growth for a number of years, we have seen that this has not been something that only benefits the rich, as we will sometimes hear the left and the Democrats here in Congress suggest, but a strong, vibrant economy and, in this case, actually raised the income of the poor faster and more conclusively than income levels for the rich.

The average income for the poorest 20 percent of Colorado families increased by $4,050, from $10,280 to $14,330, or a 39-percent increase in income for the poorest 20 percent of Colorado families. Average income for the middle 20 percent increased by $5,150, from $42,650 to $47,800, or a 12-percent increase. And average income for the top 20 percent

increased again over this 10-year period by $17,860, from $113,510 to $131,370, or 16 percent.

Again, the wealthiest and middle-income families saw income increases over the last 10 years between 12 and 16 percent, but the poorest 20 percent of our economy in my State realized income growth of 39 percent.

Once again, when we think of how this Government and this Congress can exercise real compassion, can exercise real humanitarianism, can exercise real concern for those that we care most about, our friends and our neighbors, those who are in need, those who face certain unfortunate occasions in their life that make economic participation difficult, the best way to assist those individuals and to be concerned about them is by fighting for a strong economy, by fighting to remove the impediment to economic growth, by fighting to remove the tax disadvantages toward job creation and instead replace them with advantages that motivate and move job creation forward.

In response to all of this, of course, over at the White House they suggested that no tax cuts will be considered, that providing additional tax relief for American families is something that they are not interested in discussing. We suggest that we can expect a vigorous debate and ensuing battle that will take place over whether we ought to continue to tax the American people at high rates, tax American job producers at high rates and continue to force the jobs overseas in a way that does not allow us as a country to achieve the economic progression parity that we ought to, to the degree that we ought to.

Failure by this Government and our Congress to move forward on tax relief and relieving debt will erase stories like this.

It will in the end be cruel to individuals who are today realizing greater income. It will be cruel to those who are presently upbeat and excited about our economic promise. It would be cruel and heartless whether it comes to those who are leaving the welfare roles, finding jobs on their own. It will be cruel to those charities who are finding great economic success because of that certain amount of progress that we have made.

What we need is more economic growth. What we need are lower levels of tax rates. What we need are more provisions in our business laws and regulatory laws that make entrepreneurism more within the grasp of more and more Americans.

People out West are also very concerned, Mr. Speaker, about an executive order that has been put forward by the Clinton administration called the American Heritage Rivers Initiative. This is an initiative that is established by executive order without the consent, without the review of the Congress.

Water in the West is one of the most precious natural resources that we have. If you take my State, Colorado, for example, it is one of two headwater States in the entire country. All of our water, all of our usable water and that which has been appropriated flows out of our State. The other one is Hawaii, by the way.

Managing, reusing, conserving water is something we know an awful lot about in the West. Colorado's water law has been developed over the entire history of our State. It is a model that the rest of the country has used in developing their water law.

It is based on the notion that water and a water right is a property right and that if you want to acquire water or purchase one of those rights you need to stand in line and purchase it from a willing seller.

The Federal Government does not understand that, Mr. Speaker, when it comes right down to it. The United States Forest Service, other Federal agencies, are very envious of the precious resources that are held in many cases by private owners, by ranchers and farmers, by private conservationists, by foresters, by municipalities, by industry and by other private water users.

The Federal Government would like to have their hands on that water, and they try with a voracious thirst to try to acquire it. They do not understand that you have to stand in line like everyone else, that you have to put up the cash to purchase water rights like everybody else. They have devised many ingenious strategies to impede the ability of water rights owners, water users, to use their own water in a way that they see fit and that is of beneficial use for their economic activities.

The American Heritage Rivers Initiative put forward by the Clinton administration is one more example of this lack of understanding that we see coming out of Washington and threatening the West. It is the next stage being waged in the war on the West. It is one that makes people in the West quite nervous, in fact quite angry; and we do not intend to sit by and watch the administration by executive order, I remind my colleagues again, to move forward in a way that will only constitute confiscation potentially of such a precious resource.

The American Heritage Rivers Initiative would establish 10 rivers per year that would be designated by the Federal Government as Heritage Rivers, and that sounds lake a nice thing. But it is not, I assure you, once you get into the details and review the testimony that was given by the Clinton administration in front of the Committee on Resources and in other correspondence that took place between various members of the Congress and the administration itself.

Certainly it sounds like the American Heritage Rivers Initiative suggests that we are going to feature and preserve some unique quality of river systems throughout the country, perhaps clean up river front, perhaps remove various levels of pollution or degradation in streams. And some of that, in fact, may occur. That is a very positive thing.

The fact of the matter is that all of those can occur today. There is no need for this initiative being put forward by the Clinton administration unless you buy their silly notion that there is so much regulation that their agencies, their Federal Government, their bureaucracy has created that we need to hire more bureaucrats to help local communities untangle all that red tape and assist them in that way.

Well, we are concerned about a number of things, first and foremost that this initiative seems to have gone forward without any level of meaningful scrutiny by the United States Congress. An executive order is not a law, it is not a law suggested, as the Constitution lays out, that is to be established by the Congress on such an important topic. An executive order is a set of instructions to the executive branch, its bureaucracies, and its agents to behave in a certain way, in this case to behave in a way that has the ability in a way that enables these agencies to restrict not only water rights but property rights, usages and to elevate priorities in the distribution of these assets through a certain level of Federal meddling and intervention.

What the Clinton administration is proposing is not only to designate these rivers but to hire somebody called a river navigator, that would be their job title, have a river navigator actually move into your State, move on your river system and manage the resources associated with river management and water management.

This person would be employed at a cost of approximately $120,000 per year, and I assume there will be staff associated with that. There is a pending proposal here in the Congress that has made its way right here to the floor that would pull the cash out from underneath this expenditure, again bearing in mind that this new function of government has not been approved by Congress ever. The attempts in the White House to direct the taxpayers' cash towards this new activity is inappropriate. That proposal ought to be taken up swiftly on the House floor and hopefully passed.

But, in the meantime, I would suggest that we ought to be charged, as a conscientious body, with seeing to it that the administration is not permitted through the appropriations process to draw funds from the various and several agencies associated with water management in order to implement the American Heritage Rivers Initiative.

□ 2300

We ought to make absolutely certain that no dollars are appropriated by this Congress unless we first of all approve of the activity that is taking place and upon which those dollars would be spent.

Western states, most States, Colorado in particular, understand very well how to manage water in our State. Our law is good. It has a long tradition of working well.

We secure agreements with neighboring States through interstate compacts on the distribution of water and the allocation of shares. Those agreements are negotiated at the State level, under Federal guidelines, and insured through a Federal water court system. But they are devised by States, nonetheless, by Governors and their agents, who sit down and negotiate these agreements, sometimes at great cost.

Then they are signed, they are approved by States, and they become effectively the law, a contract on how water ought to be distributed.

The very notion that the Federal Government will elevate its level of meddling in that age-old traditional process is one that Westerners are not willing to stand for. Time after time after time, when I asked constituents in my district what they really care about and what they want to be addressed here by this Congress, over the last 3 months that I conducted these kinds of hearings and these kinds of meetings, maintaining and preserving and protecting Colorado water was always high on the list.

There are four Members of Congress, myself included, who have chosen to file a lawsuit against the President himself as a defendant over the American Heritage Rivers Initiative. That lawsuit has been filed in the District of Columbia Federal Court. We also filed an injunction recently and in fact expect a judgment to be rendered within days on an injunction. It is hopeful that that injunction will allow Colorado's water rights laws and history to stand while the lawsuit that is pending is considered.

We also have a big crisis out in the State when it comes to forestry and forest health. People are very concerned about what would happen if we have another dry summer, as some suggest we may. The level of forest fire potential in Western States is higher than it has ever been before. The state of forest health is very poor.

There are large problems with infestations and disease that are spreading across western forests, and this is no accident of nature. In fact, it is a very understandable response, when you take into account the poor management strategies that the Forest Service has been responsible for over the last several years.

In fact, there is a great battle going on internally within the Forest Service presently, where foresters are quite concerned. Their ability to apply accurate scientific data and knowledge about how to manage our National Forests is something that the Forest Service here in Washington, D.C. seems to be disinterested in.

There is another agenda that seems to be driven by economic goals and objectives that would suggest to the White House and the people here in the Clinton Administration that forests should not be managed, that they should be allowed to be confronted with infestation, with continued disease.

When this occurs and when overgrowth occurs as well, another big problem, forests are not properly thinned and cared for, these trees become stressed. They run out of water, they compete for nutrients, they compete for water resources. They do get stressed, they do get infested and get diseased. They become brittle, they become very dry, and all it takes is one flash of lightning or one careless activity of a camper or somebody watching wildlife or a hunter or somebody along those lines, or somebody who happens to be living in a forested area, and these fires burn far more intensely, and they burn with such intensity, as a matter of fact, that they effectively sterilize the soil.

These are forests that have a much more difficult time recovering and coming back from these kinds of devastating fires. It is much different than the natural fires that occurred long before humans showed up. These are fires that burn far more intensely, precisely because they have been poorly managed and poorly treated by our Forest Service when it comes to public lands.

That is another big problem that I had heard of, another big concern that people suggested to me over the months that I was able to travel throughout the district.

Mr. Speaker, let me conclude once again by talking about the freshman class. When I first got elected to Congress, I had heard a little bit about this class status, I heard a little bit about the freshman class, the sophomore class and so on.

It works almost like high school. Those that got elected in a certain year, they would come here and have to go through the orientation process, learn about the institution at the same pace and learn about it together. But they are also elected under the pretense of a certain set of issues.

Every election year seems to define for itself a certain mood that is prevalent throughout the country. What we discovered is that 34 Members came here from throughout the country, unified in our belief that the American people are taxed in excess, that our government at the Federal level is far too big, and, as such, threatens real freedom and real liberty throughout the country, and that the best way to ensure real freedom and real liberty and real participation, economically and politically, is not through bigger Federal involvement and a bigger Federal Government, but by a smaller one, one which defers to the wisdom of states, all 50 of them, including territories, and local governments, and, even more so, defers to the people themselves.

We are unified in our vision that the size of the Federal Government needs to be contained, it needs to be reduced, and that we do need to empower people back home in ways that historically and traditionally we know leads to more prosperity in the country.

Those are the issues that define our class, the 34 Members that got elected in 1996. Those are the issues that define the projects that we are moving forward on, that define the issues that we fight for passionately here on the House floor, and it defines the issues that we speak about frequently and that we discuss often.

Our agenda is one that we are very committed to. It is an agenda that we believe is playing a primary role in driving the overall message we are sending as a majority Republican party here in Washington, and it is one that we look forward to engaging in vigorously with those on the left side, the Democratic side of the floor, who would disagree.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCKEON (at the request of Mr. ARMEY) for 4 p.m. today and February 5, on account of official business.

Mr. HERGER (at the request of Mr. ARMEY) for today and on February 5, on account of family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BISHOP, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Ms. SÁNCHEZ, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. WATT of North Carolina, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. MCHALE, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. DIXON, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. BOUCHER, for 5 minutes, today.
Ms. BROWN of Florida, for 5 minutes, today.
Mr. CLEMENT, for 5 minutes, today.
Ms. MILLENDER-MCDONALD, for 5 minutes, today.
(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)
Mr. HUTCHINSON, for 5 minutes, today.
Mr. HILL, for 5 minutes, today.
Mr. SHAYS, for 5 minutes, today.
Mr. WELDON of Florida, for 5 minutes, today.
Mr. FOLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
Mr. TALENT, and to include extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD, and is estimated by the Public Printer to cost $1,161.
(The following Members (at the request of Mr. STUPAK) and to include extraneous matter:)
Mr. RAHALL.
Mr. BERMAN.
Mr. SCOTT.
Mr. MANTON.
Ms. HARMAN.
Mr. ETHERIDGE.
Mr. HAMILTON.
Ms. MCCARTHY of Missouri.
Mr. WISE.
Ms. WOOLSEY.
Mr. DELLUMS.
Mr. DIXON.
Mr. BONIOR.
Mr. SERRANO.
Mr. ENGEL.
Mr. SKELTON.
Mr. GORDON.
Mr. TOWNS.
Mr. KIND.
(The following Members (at the request of Mr. FOSSELLA) and to include extraneous matter:)
Mr. GOODLING.
Mr. BEREUTER.
Mr. SMITH of Oregon.
Mr. WALSH.
Mrs. MORELLA.
Mr. FRELINGHUYSEN.
Mr. GEKAS.
Mr. GALLEGLY.
Mr. NORWOOD.
Mr. GILMAN.
Mr. SHAW.
Mr. HOUGHTON.
Mr. CALVERT.
Mr. ROHRABACHER.
(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) and to include extraneous matter:)
Mr. COYNE.
Mr. PACKARD.
Mr. SANDLIN.
Mr. LATOURETTE.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

On February 4, 1998:

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.

H.R. 3042. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

ADJOURNMENT

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Thursday, February 5, 1998, 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:

6970. A letter from the Chair, Defense Environmental Response Task Force, Department of Defense, transmitting the Defense Environmental Response Task Force Annual Report for Fiscal Year 1997; to the Committee on National Security.

6971. A letter from the Under Secretary (Acquisition and Technology), Department of Defense, transmitting the report of determination to combine multiple depot-level maintenance and repair workloads, pursuant to Public Law 105—85, section 359(a); to the Committee on National Security.

6972. A letter from the Secretary of Defense, transmitting the report entitled "Acquisition Workforce Reductions," pursuant to Public Law 105—85, section 912(b); to the Committee on National Security.

6973. A letter from the Director, Federal Deposit Insurance Corporation, transmitting the 1997 annual report on the activities of the Affordable Housing Advisory Board, pursuant to Public Law 103—204, section 14; to the Committee on Banking and Financial Services.

6974. A letter from the Secretary, Federal Trade Commission, transmitting the Individual Reference Services Report; to the Committee on Commerce.

6975. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Commerce.

6976. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

6977. A communication from the President of the United States, transmitting his annual report reviewing all activities of United States Government departments and agencies during calendar year 1996 relating to the prevention of nuclear proliferation, pursuant to 22 U.S.C. 3281; to the Committee on International Relations.

6978. A letter from the General Counsel, Arms Control and Disarmament Agency, transmitting copies of the texts of Amendment X to the Memorandum of Agreement Regarding the Implementation of the Verification Provisions of the INF Treaty; to the Committee on International Relations.

6979. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the report regarding certain forms of United States assistance to countries that have contributed to the Korean Peninsula Energy Development Organization; to the Committee on International Relations.

6980. A letter from the President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform and Oversight.

6981. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the calendar year 1997 report on "Extraordinary Contractual Actions to Facilitate the National Defense," pursuant to 50 U.S.C. 1434; to the Committee on Government Reform and Oversight.

6982. A letter from the Secretary of Education, transmitting a report concerning surplus Federal real property disposed of to educational institutions in fiscal year 1997, pursuant to 40 U.S.C. 484(o)(1); to the Committee on Government Reform and Oversight.

6983. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Management Reform Plans covering eight District of Columbia government departments and four City-wide functions, pursuant to Public Law 105—33, section 11103;

to the Committee on Government Reform and Oversight.

6984. A letter from the President, National Endowment for Democracy, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

6985. A letter from the Director, National Science Foundation, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6986. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

6987. A letter from the Postmaster General, U.S. Postal Service, transmitting the Annual Report of the Postmaster General for Fiscal Year 1997, pursuant to 39 U.S.C. 2402; to the Committee on Government Reform and Oversight.

6988. A letter from the Chairman, United States Postal Service, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

6989. A letter from the General Manager, Washington Metropolitan Area Transit Authority, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

6990. A letter from the Chair, Board of Directors, Office of Compliance, transmitting notification that the Board of Directors has approved Gary Green to serve as General Counsel of the Office of Compliance for the statutory five year term; to the Committee on House Oversight.

6991. A letter from the Secretary, Federal Trade Commission, transmitting the report on antitrust mutual assistance agreements required by Section 11 of the International Antitrust Enforcement Assistance Act of 1994; to the Committee on the Judiciary.

6992. A letter from the Administrator, Federal Highway Administration, transmitting the Administration's status report entitled, "Progress Made in Implementing Sections 6016 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)," pursuant to Public Law 102—240, section 6016(e) (105 Stat. 2183); to the Committee on Transportation and Infrastructure.

6993. A letter from the Secretary of Transportation, transmitting the report on the commercial feasibilty of high-speed ground transportation, pursuant to section 1036 of the Intermodal Surface Transportation Efficiency Act; to the Committee on Transportation and Infrastructure.

6994. A letter from the Chairman, Barry Goldwater Scholarship and Excellence in Education Foundation, transmitting the annual report of the activities of the Goldwater Foundation, pursuant to 20 U.S.C. 4711; to the Committee on Science.

6995. A communication from the President of the United States, transmitting the second report on the Operation of the Andean Trade Preference Act, pursuant to Public Law 102—182, section 203(f) (105 Stat. 1239); to the Committee on Ways and Means.

6996. A letter from the Secretary of Labor, transmitting the thirteenth report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

6997. A letter from the Secretary of Labor, transmitting the Department's fourth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 1995 to 1996, pursuant to Public Law 102—182, section 207 (105 Stat. 1244); to the Committee on Ways and Means.

6998. A letter from the Secretary of Energy, transmitting notification of the conditions of the proposed sale of the United States' interest in Naval Petroleum Reserve Numbered 1, Elk Hills, in California, pursuant to Public Law 104—106, section 3414(a); jointly to the Committees on National Security and Commerce.

6999. A letter from the Secretary of Energy, transmitting the Savannah River Site Nuclear Material Stabilization Activities report for fiscal year 1998, as requested in the Conference Report 105-27; jointly to the Committees on Commerce and Appropriations.

7000. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104—107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

7001. A letter from the Chairman, Federal Election Commission, transmitting the FY 1999 Budget Request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Oversight and Appropriations.

7002. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification to the Congress regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101—162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

7003. A letter from the Secretary of Health and Human Services, transmitting the sixth annual report entitled "Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access," pursuant to Public Law 101—239; jointly to the Committees on Ways and Means and Commerce.

7004. A letter from the Acting Assistant Secretary for Force Management Policy, Department of Defense, transmitting notification of determinations that institutions of higher education have been deemed ineligible for certain Federal funding, pursuant to section 514 of the Omnibus Consolidated Appropriations Act, 1997; jointly to the Committees on National Security, Education and the Workforce, and Appropriations.

7005. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform and Oversight.

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. LINDER. Committee on Rules. House Resolution 348. Resolution providing for consideration of the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation (Rept. 105-413). Referred to the House Calendar.

Mr. SOLOMON. Committee on Rules. House Resolution 349. Resolution providing for consideration of the bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport" (Rept. 105-414). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMPBELL:

H.R. 3152. A bill to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Mr. CAMPBELL:

H.R. 3153. A bill to establish a uniform closing time for the operation of polls on the date of the election of the President and Vice President; to the Committee on House Oversight.

By Mr. CANADY of Florida (for himself, Mr. MCCOLLUM, and Mr. GOSS):

H.R. 3154. A bill to provide for the appointment of additional Federal district judges in the State of Florida; to the Committee on the Judiciary.

By Mr. GOODLING (for himself and Mr. MANTON):

H.R. 3155. A bill to amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. GINGRICH, Mr. GEPHARDT, Ms. WATERS, Mr. GILMAN, Mr. HAMILTON, Mr. BEREUTER, Mr. MENENDEZ, Mr. CHABOT, Mr. PAYNE, Mr. SANFORD, Mr. HASTINGS of Florida, Mr. CAMPBELL, Mr. DELLUMS, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. HALL of Ohio, and Mr. MCDERMOTT):

H.R. 3156. A bill to present a congressional gold medal to Nelson Rolihlahla Mandela; to the Committee on Banking and Financial Services.

By Mr. PAXON (for himself, Mr. BLILEY, Mr. LIVINGSTON, Mr. HOEKSTRA, Mr. SOUDER, Mr. GIBBONS, Mr. GRAHAM, Mr. SMITH of Michigan, Mr. RILEY, Mrs. LINDA SMITH of Washington, Mr. SESSIONS, Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, and Mr. ENSIGN):

H.R. 3157. A bill to improve education in overcrowded classrooms by increasing the number of teachers; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER (for himself and Mr. ROYCE):

H.R. 3158. A bill to provide that the President may not waive, with respect to the Socialist Republic of Vietnam, the statutory prohibitions on nondiscriminatory trade treatment, commercial agreements, and participation in programs of the United States Government which extend credits or financing guarantees and certain other forms of assistance; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, and International Relations, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Mr. ROHRABACHER):

H.R. 3159. A bill to provide that the President may not waive the provisions of title IV of the Trade Act of 1974 with respect to the Socialist Republic of Vietnam; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Ms. SLAUGHTER, Mr. LAFALCE, Mr. MCNULTY, and Mr. HINCHEY):

H.R. 3160. A bill to enhance competition between airlines and reduce airfares, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. GILMAN, Mr. WOLF, Mr. SANDERS, Mr. KING of New York, Ms. KAPTUR, Mr. MINGE, Mr. SABO, Mr. EVANS, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. SHAYS, Ms. WOOLSEY, and Mr. RAMSTAD):

H.R. 3161. A bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATKINS (for himself and Mr. WATTS of Oklahoma):

H.R. 3162. A bill to amend title XVIII of the Social Security Act to delay implementation of the interim payment system to home health agencies for home health services provided under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO of New York:

H. Con. Res. 208. Concurrent resolution expressing the sense of the Congress regarding access to affordable housing and expansion of homeownership opportunities; to the Committee on Banking and Financial Services.

By Mr. BEREUTER (for himself, Mr. HAMILTON, and Mr. BERMAN):

H. Res. 350. A resolution congratulating the people of Sri Lanka on the occasion of the fiftieth anniversary of their nation's independence; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. BRYANT and Mr. DAVIS of Illinois.

H.R. 65: Mr. DAVIS of Illinois.

H.R. 107: Mrs. MALONEY of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, Ms. DEGETTE, Mr. COBURN, and Mr. HANSEN.

H.R. 132: Mr. CALVERT.

H.R. 169: Mr. PETERSON of Minnesota.

H.R. 303: Mr. DAVIS of Illinois.

H.R. 476: Mr. LANTOS and Mr. MANTON.

H.R. 543: Mrs. JOHNSON of Connecticut, Mr. PASCRELL, Mr. MANZULLO, Ms. KAPTUR, Mr. MOLLOHAN, Ms. KILPATRICK, Mr. SUNUNU, Mr. SANFORD, Mr. STENHOLM, and Mr. CALVERT.

H.R. 604: Mr. ROTHMAN.

H.R. 617: Mr. MOLLOHAN and Mr. RUSH.

H.R. 619: Mrs. ROUKEMA, Mr. PRICE of North Carolina, Mr. OXLEY, and Mr. SHERMAN.

H.R. 716: Mr. FOLEY and Mr. SESSIONS.

H.R. 738: Mrs. CLAYTON.

H.R. 920: Mr. COOK.

H.R. 922: Mr. RILEY, Mr. KNOLLENBERG, Mr. POSHARD, Mrs. ROUKEMA, Mr. THORNBERRY, Mr. BLUNT, Mr. SHIMKUS, Mrs. MYRICK, Mr. HOEKSTRA, Mr. BEREUTER, Mr. DUNCAN, Mr. LEWIS of Kentucky, Mr. BARCIA of Michigan, Ms. DANNER, and Mr. RYUN.

H.R. 923: Mr. RILEY, Mr. KNOLLENBERG, Mr. POSHARD, Mrs. ROUKEMA, Mr. THORNBERRY, Mr. BLUNT, Mr. SHIMKUS, Mrs. MYRICK, Mr. HOEKSTRA, Mr. BEREUTER, Mr. DUNCAN, Mr. LEWIS of Kentucky, Mr. BARCIA of Michigan, Mr. NEY, Ms. DANNER, and Mr. RYUN.

H.R. 1055: Mr. KUCINICH.

H.R. 1126: Mrs. THURMAN.

H.R. 1130: Ms. STABENOW.

H.R. 1151: Mr. HUNTER.

H.R. 1231: Mr. HULSHOF and Mr. FAZIO of California.

H.R. 1241: Mr. HUNTER and Mr. GALLEGLY.

H.R. 1281: Mrs. THURMAN.

H.R. 1320: Mr. POSHARD.

H.R. 1322: Mrs. EMERSON and Mr. LATOURETTE.

H.R. 1330: Mr. BEREUTER.

H.R. 1356: Mr. ROYCE, Mr. GIBBONS, Mr. HALL of Texas, and Mr. ROMERO-BARCELÓ.

H.R. 1375: Mr. DEUTSCH and Mr. LANTOS.

H.R. 1390: Mr. SHERMAN.

H.R. 1415: Ms. MILLENDER-MCDONALD, Mr. GEJDENSON, Mr. FORBES, Mr. WATT of North Carolina, and Mr. WYNN.

H.R. 1425: Mr. STOKES and Mr. CLAY.

H.R. 1500: Mr. FORD and Mr. KUCINICH.

H.R. 1524: Mr. ALLEN, Mr. SKEEN, Mr. FORD, Mr. MINGE, Mr. HOLDEN, Mr. PETERSON of Minnesota, and Mr. KIND of Wisconsin.

H.R. 1577: Mr. FOLEY.

H.R. 1628: Mr. SHAYS.

H.R. 1754: Mr. KUCINICH.

H.R. 1813: Mr. WATT of North Carolina, Ms. WOOLSEY, Mrs. KELLY, Mr. SANDLIN, and Mr. MCNULTY.

H.R. 1891: Mr. HULSHOF, Mr. COOK, Mr. COLLINS, Mr. CRAPO, Mr. PETERSON of Minnesota, Mr. GOODLING, Mr. BILBRAY, Mr. ACKERMAN, Ms. PRYCE of Ohio, Ms. LOFGREN, and Mr. CHRISTENSEN.

H.R. 1984: Mr. REDMOND and Mr. INGLIS of South Carolina.

H.R. 2009: Mr. BROWN of California, Mr. OBERSTAR, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Mr. DIXON, and Mr. GEJDENSON.

H.R. 2023: Mr. MALONEY of Connecticut.

H.R. 2094: Mr. ANDREWS, Mr. MILLER of California, Mr. DELLUMS, and Ms. DELAURO.

H.R. 2110: Mr. BALDACCI.

H.R. 2122: Mr. PETERSON of Minnesota and Mr. MCHUGH.

H.R. 2124: Mr. SESSIONS, Mr. CALVERT, Mr. PAPPAS, Mr. STUMP, Mr. INGLIS of South Carolina, Mrs. LINDA SMITH of Washington, Mr. HYDE, and Mr. KIM.

H.R. 2139: Mr. OBERSTAR.

H.R. 2173: Mrs. THURMAN, Mr. SANDLIN, Mr. BEREUTER, Mr. CALVERT, and Mr. MCHUGH.

H.R. 2183: Mr. PETRI, Mrs. MALONEY of New York, and Ms. LOFGREN.

H.R. 2257: Mr. DELLUMS.

H.R. 2321: Mr. SOUDER, Mr. HEFLEY, Mr. WAMP, Mr. FILNER, Mr. FAWELL, and Mr. HASTINGS of Washington.

H.R. 2454: Mr. LANTOS, Mr. BALDACCI, and Ms. VELÁZQUEZ.

H.R. 2456: Mr. GOODLATTE.

H.R. 2457: Mr. LANTOS, Mr. BALDACCI, and Ms. VELÁZQUEZ.

H.R. 2500: Mr. SHAYS, Mr. CANNON, Mr. SNOWBARGER, Mr. SMITH of Michigan, Mr. FORD, Mr. HILLEARY, Ms. GRANGER, Mr. MILLER of Florida, Mr. FRELINGHUYSEN, Mr. GILLMOR, Mr. SHERMAN, Mr. PAPPAS, Mr. BLUNT, Mr. DUNCAN, Mr. FRANKS of New Jersey, Ms. VELÁZQUEZ, Mr. CLYBURN, Mr. THORNBERRY, Mr. RILEY, and Mr. KIND of Wisconsin.

H.R. 2541: Mr. SESSIONS and Ms. NORTON.

H.R. 2545: Mr. FORD, Mr. FALEOMAVAEGA, Mr. KUCINICH, Mr. GREEN, Mr. MCHALE, Mrs. THURMAN, Mr. TIERNEY, Mr. BERRY, Mr. ROTHMAN, and Mrs. MYRICK.

H.R. 2547: Mr. MARTINEZ, Mr. OBERSTAR, Ms. WOOLSEY, Mr. EVANS, Mr. NEAL of Massachusetts, and Mr. BLUMENAUER.

H.R. 2579: Mr. BOEHNER, Mr. COBURN, and Mr. NORWOOD.

H.R. 2588: Mr. GOODLATTE.

H.R. 2602: Mr. ACKERMAN.

H.R. 2608: Mr. ISTOOK and Mr. GOODLING.

H.R. 2658: Mr. SUNUNU, Mr. PAPPAS, Mr. MENENDEZ, Mr. SAXTON, and Mr. ADERHOLT.

H.R. 2671: Mrs. MINK of Hawaii.

H.R. 2699: Mr. FILNER and Mr. MORAN of Virginia.

H.R. 2713: Mr. FORD.

H.R. 2752: Mr. FRELINGHUYSEN and Mr. HANSEN.

H.R. 2757: Mr. DOYLE, Mr. FRANK of Massachusetts, and Mr. OBERSTAR.

H.R. 2760: Mr. HILL and Mr. CLAY.

H.R. 2774: Mr. FORD, Mr. JACKSON, Mr. KLECZKA, Mr. MANTON, Mr. WYNN, Mr. TOWNS, Mr. VENTO, Mr. WAXMAN, Mr. FILNER, Mr. MORAN of Virginia, Mr. LANTOS, Mr. STARK, Mr. SENSENBRENNER, Mr. FRANK of Massachusetts, Mr. LAFALCE, Mr. MCDERMOTT, Mr. MILLER of California, and Mr. PAYNE.

H.R. 2820: Mrs. MEEK of Florida, Mr. MANTON, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. NEY, Mr. FILNER, Mr. DAVIS of Illinois, and Mr. BACHUS.

H.R. 2850: Mrs. LOWEY, Mr. BARRETT of Wisconsin, Mr. SANDLIN, Mr. GUTIERREZ, Ms. ROS-LEHTINEN, Mr. FORD, Mr. PALLONE, Mr. UNDERWOOD, Mr. MARKEY, Mr. WEXLER, Mr. KLECZKA, Mr. DAVIS of Florida, Mr. ETHERIDGE, Mr. SESSIONS, and Ms. MILLENDER-MCDONALD.

H.R. 2854: Mr. KUCINICH, Mr. SANDLIN, Mr. SANDERS, Mr. RUSH, Mr. FORD, Mr. MCDERMOTT, Mr. MCNULTY, Mr. KLECZKA, Mr. BROWN of California, Mr. DOOLEY of California, and Mr. NEY.

H.R. 2912: Mr. LEWIS of Kentucky, Mr. ENGLISH of Pennsylvania, Mr. SKELTON, Mr. BERRY, Mr. GONZALEZ, Mr. FALEOMAVAEGA, Mr. BOYD, Mr. DUNCAN, Mr. YATES, Mr. CLYBURN, Mr. OBERSTAR, Mr. LATOURETTE, and Mr. BUNNING of Kentucky.

H.R. 2916: Mr. DAN SCHAEFER of Colorado.

H.R. 2951: Mr. HOUGHTON and Ms. STABENOW.

H.R. 2955: Mr. BONILLA and Mr. LATOURETTE.

H.R. 2960: Mr. STARK, Mr. FROST, and Mr. LAMPSON.

H.R. 2990: Mr. SKAGGS, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. GEJDENSON, Mr. DELAHUNT, Mr. MATSUI, Mr. OWENS, Mr. MCDERMOTT, Mr. VENTO, Mr. BARRETT of Nebraska, Mr. WAMP, Mr. TAYLOR of North Carolina, Mr. POMEROY, Ms. KAPTUR, Mr. COYNE, Mr. KANJORSKI, and Mr. GOODE.

H.R. 3008: Mr. TAYLOR of North Carolina, Mr. GOODE, Mr. HALL of Texas, Mr. LIPINSKI, and Mr. PETERSON of Minnesota.

H.R. 3027: Mr. PAYNE and Mr. FALEOMAVAEGA.

H.R. 3028: Mr. PAYNE and Mr. FALEOMAVAEGA.

H.R. 3043: Mr. SANDLIN, Mr. WEXLER, and Mr. PASCRELL.

H.R. 3062: Mr. HOLDEN and Mr. COYNE.

H.R. 3070: Mr. HINCHEY and Ms. CARSON.

H.R. 3097: Mr. GIBBONS, Mr. SALMON, Mr. COOK, Mr. KLUG, Mr. BALLENGER, MR. GOSS, Mr. DAN SCHAEFER of Colorado, Mr. HILL, Mr. COMBEST, Mr. CHAMBLISS, Mr. GOODE, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. WATKINS, Mr. ROYCE, Mr. SOUDER, Mr. GRAHAM, and Mr. COBURN.

H.R. 3107: Mr. ANDREWS.

H.R. 3116: Mr. LAZIO of New York.

H.R. 3126: Ms. DELAURO, Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, and Mr. DINGELL.

H.R. 3128: Mr. SANDLIN, Mr. GOODLING, Mrs. THURMAN, and Mr. MANTON.

H.R. 3134: Ms. SLAUGHTER, Mr. MANTON, Ms. HOOLEY of Oregon, Mr. BONIOR, Mr. OBERSTAR, Mr. SANDLIN, Mr. MCGOVERN, Ms. NORTON, Mr. MCDERMOTT, Mr. FROST, Mr. PASCRELL, Mr. LIPINSKI, and Mr. DEFAZIO.

H.R. 3135: Mr. TORRES.

H.J. Res. 71: Mrs. EMERSON and Mr. LATOURETTE.

H.J. Res. 100: Mr. BARRETT of Nebraska, Mr. FILNER, Mr. BATEMAN, Mr. WELDON of Florida, Mr. TAYLOR of North Carolina, Mrs. CLAYTON, Mr. NEY, Mr. SISISKY, Mr. SABO, Mr. CALVERT, Mr. BLILEY, Mr. WAMP, Mr. KNOLLENBERG, Mr. SANDERS, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. BERMAN, Mr. CONDIT, Mr. CAMP, Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. GREEN, Mr. STUMP, Ms. LOFGREN, Mr. METCALF, Mrs. TAUSCHER, Mrs. MINK of Hawaii, Ms. WOOLSEY, Mr. ETHERIDGE, Mr. LAMPSON, Mr. MORAN of Kansas, Mr. HILLEARY, Mr. BOYD, Mr. COYNE, Mr. HANSEN, and Mr. CANADY of Florida.

H. Con. Res. 15: Mr. SHERMAN.

H. Con. Res. 55: Ms. LOFGREN, Mr. WAXMAN, Ms. DELAURO, Mr. OBEY, and Mr. PAXON.

H. Con. Res. 126: Ms. JACKSON-LEE.

H. Con. Res. 141: Mr. MCCRERY.

H. Con. Res. 152: Mr. KUCINICH, Ms. DELAURO, and Mr. TRAFICANT.

H. Con. Res. 175: Mr. BOEHLERT.

H. Con. Res. 195: Mr. FRANK of Massachusetts, Mr. LAFALCE, Mr. UPTON, Ms. WOOLSEY, and Mrs. THURMAN.

H. Res. 37: Mr. BROWN of Ohio.

H. Res. 267: Mr. HOEKSTRA and Mr. HILLEARY.

H. Res. 310: Mr. BURTON of Indiana, Mr. CONDIT, and Mr. BACHUS.

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. 1415: Mr. BUNNING of Kentucky.

H.R. 2552: Mr. BACHUS.

AMENDMENTS

Under clause 6 of rule XIII, proposed amendments were submitted as follows:

H.R. 2846

OFFERED BY: MR. CLAY

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Although the majority of our Nation's elementary and secondary public schools provide high quality education for our children, many schools need additional resources to implement immediate assistance and reform to enable them to provide a basic and safe education for their students.

(2) The Government Accounting Office recently found that ⅓ of all elementary and secondary schools in the United States, serving 14,000,000 students, need extensive repair and renovation.

(3) Recent reform of under-achieving schools in a number of States and school districts demonstrates that parents, teachers, school administrators, other educators, and local officials, given adequate resources and expertise, can succeed in dramatically improving public education and creating high performance schools.

(4) Such reform efforts show that parental and community involvement in those reforms is indispensable to the objective of high quality, safe, and accountable schools.

(5) Despite the successes of such reforms, public schools are facing tremendous challenges in educating children for the 21st century. The elementary and secondary school population will grow by 10 percent by the year 2005, and over the next 10 years, schools will need more than 2,000,000 additional teachers to meet the demands of such expected enrollments.

(6) Almost 7 of 10 Americans support increased Federal assistance to our Nation's public schools, and that support crosses all boundaries, including cities, towns, and rural areas.

(7) When Federal investment in public schools and children has increased, test scores have improved, and high school graduation rates and college enrollments have increased.

(8) The Federal Government should encourage communities that demonstrate a strong commitment to restore and reform their public schools.

(b) PURPOSE.—It is the purpose of this Act to assist local communities that are taking the initiative—

(1) to overcome adverse conditions in their public schools;

(2) to revitalize their public schools in accordance with local plans to achieve higher academic standards and safer and improved learning environments; and

(3) to ensure that every community public school provides a quality education for all students.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CONSORTIUM.—The term "consortium" means a local schools consortium as defined in paragraph (2).

(2) LOCAL SCHOOLS CONSORTIUM.—The term "local schools consortium" means the local educational agency in collaboration with a group composed of affected parents, students, and representatives of teachers, school employees and administrators, local business and community leaders and representative of local higher education group working or residing within the boundary of a local educational agency.

(3) PARENT.—The term "parent" includes any of the following:

(A) A grandparent.

(B) A legal guardian.

(C) Any other person standing in loco parentis.

(3) PLAN.—The term "plan" means a 3-year public schools renewal and improvement plan described in section 4.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the American Virgin Islands, Guam, and American Samoa.

SEC. 3. PROCEDURE FOR DECLARATION.

(a) IN GENERAL.—A request for a declaration by the President that a "public schools renewal effort is underway" shall be made by a local schools consortium.

(b) REQUEST.—The local education agency shall submit the request to the Governor of the State who shall, with or without comment, forward such request to the President not more than 30 days after the Governor's receipt of such request. Such request shall—

(1) include the plan;

(2) describe the nature and amount of State and local resources which have been or will be committed to the renewal and improvement of the public schools; and

(3) certify that State or local government obligations and expenditures will comply with all applicable matching requirements established pursuant to this Act.

(c) DECLARATION.—Based on a request made under this Act, the President, in consultation with the Secretary, may declare that a "public schools renewal effort is underway" in such community and authorize the Department of Education and other Federal agencies to provide assistance under this Act.

(d) PROGRESS REPORTS.—The consortium shall—

(1) amend such request annually to include additional initiatives and approaches undertaken by the local educational agency to improve the academic effectiveness and safety of its public school system.

(2) submit annual performance reports to the Secretary which shall describe progress in achieving the goals of the plan.

SEC. 4. ELEMENTS OF RENEWAL AND IMPROVEMENT PLAN.

(a) IN GENERAL.—As part of its request to the President, and in order to receive assistance under this section, a consortium shall submit a plan that includes the elements described in subsections (b) and (c).

(b) ADVERSE CONDITIONS.—The plan shall specify the existence of any of the following factors:

(1)(A) A substantial percentage of students in the affected public schools have been performing well below the national average, or below other benchmarks, including State developed benchmarks in such basic skills as reading, math, and science, consistent with Goals 2000 and title I of the Elementary and Secondary Education Act of 1965; or

(B) a substantial percentage of such students are failing to complete high school.

(2) Some or all of such schools are overcrowded or have physical plant conditions that threaten the health, safety, and learning environment of the schools' populations.

(3) There is a substantial shortage of certified teachers, teaching materials, and technology training.

(4) Some or all of the schools are located where crime and safety problems interfere with the schools' ability to educate students to high academic standards.

(c) ASSURANCES.—The plan shall also include assurances from the local educational agency that—

(1) the plan was developed by the local schools consortium after extensive public discussion with State education officials, affected parents, students, teachers and representatives of teachers and school employees, administrators, higher education officials, other educators, and business and community leaders;

(2) describe how the consortium will use resources to meet the types of reforms described in section 6;

(3) provide effective opportunities for professional development of public school teachers, school staff, principals, and school administrators;

(4) provide for greater parental involvement in school affairs;

(5) focus substantially on successful and continuous improvement in the basic academic performance of the students in the public schools;

(6) address the unique responsibilities of all stake holders in the public school system, including students, parents, teachers, school administrators, other educators, governmental officials, and business and community leaders, for the effectiveness of the public school system especially with respect to the schools targeted for greatest assistance;

(7) provide for regular objective evaluation of the effectiveness of the plan;

(8) the agency will give priority to public schools that need the most assistance in improving overcrowding, physical problems and other health and safety concerns, readiness for telecommunications equipment, and teacher training and the pool of certified teachers;

(9) ensure that funds received under this Act shall be used to supplement, not supplant other non-Federal funds;

(10) certify that the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the request for a declaration is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the request for a declaration is made; and

(11) will address other major issues which the local schools consortium determines are critical to renewal of its public schools.

SEC. 5. ALLOWABLE FEDERAL ASSISTANCE.

(a) IN GENERAL.—To provide assistance under this Act, the President may—

(1) direct the Department of Education, with or without reimbursement, to use the authority and the resources granted to it under Federal law (including personnel, educational equipment and supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts;

(2) direct any other Federal agency to provide assistance as described in paragraph (1);

(3) coordinate such assistance provided by Federal agencies; and

(4) provide technical assistance and advisory assistance to the affected local educational agency.

(b) DISTRIBUTION OF ASSISTANCE FUNDS.—

(1) IN GENERAL.—At the direction of the President, the Secretary shall distribute funds and resources provided pursuant to a declaration under this Act to local educational agencies selected for assistance under this Act.

(2) EXISTING PROCEDURES.—The Secretary shall determine the best method of distributing funds under this Act through personnel and existing procedures that are used to distribute funds under other elementary and secondary education programs.

(c) PROHIBITION.—No provision of this Act shall be construed to authorize any action or conduct prohibited under the General Education Provisions Act.

SEC. 6. USE OF ASSISTANCE.

Assistance provided pursuant to this Act may be used only to carry out a plan, and to effectuate the following and similar types of public school reforms:

(1) STUDENT-TARGETED RESOURCES.—

(A) Increasing and improving high-quality early childhood educational opportunities.

(B) Providing comprehensive parent training so that parents better prepare children before they reach school age.

(C) Establishing intensive truancy prevention and dropout prevention programs.

(D) Establishing alternative public schools and programs for troubled students and dropouts, and establishing other public school learning "safety nets".

(E) Enhancing assistance for students with special needs (including limited English proficient students, English as a second language, and students with disabilities).

(2) CLASSROOM FOCUSED SCHOOL DEVELOPMENT.—

(A) Establishing teacher and principal academies to assist in training and professional development.

(B) Establishing effective training links for students with area colleges and universities.

(C) Establishing career ladders for teachers and school employees.

(D) Establishing teacher mentor programs.

(E) Establishing recruitment programs at area colleges and universities to recruit and train college students for the teaching profession.

(F) Establishing stronger links between schools and law enforcement and juvenile justice authority.

(G) Establishing stronger links between schools and parents concerning safe classrooms and effective classroom activities and learning.

(H) Establishing parent and community patrols in and around schools to assist safe schools and passage to schools.

(I) Implementing research-based promising educational practices and promoting exemplary school recognition programs.

(J) Expanding the time students spend on school-based learning activities and in extracurricular activities.

(3) ACCOUNTABILITY REFORMS.—

(A) Establishing high learning standards and meaningful assessments of whether standards are being met.

(B) Monitoring school progress and determining how to more effectively use school system resources.

(C) Establishing performance criteria for teachers and principals through such entities as joint school board and union staff improvement committees.

(D) Establishing promotion and graduation requirements for students, including requirements for reading, mathematics, and science performance.

(E) Providing for strong accountability and corrective action from a continuum of options, consistent with State law and title I of the Elementary and Secondary Education Act of 1965.

SEC. 7. DURATION OF ASSISTANCE.

Assistance under this Act may be provided for each of fiscal years 1998 through 2000.

SEC. 8. REPORT.

Not later than March 31, 2000, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate assessing the effectiveness of this Act in assisting recipient local schools consortia in carrying out their plans submitted under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS; MATCHING REQUIREMENT.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act—

(1) for fiscal year 1998, $250,000,000; and

(2) for fiscal year 1999, $500,000,000; and

(3) for fiscal year 2000, such sums as may be necessary.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Federal funds expended or obligated under this Act shall be matched (in an amount equal to such amount so expended or obligated) from State or local funds.

(2) OTHER FEDERAL RESOURCES.—The Secretary shall, by regulation and in consultation with the heads of other Federal agencies, establish matching requirements for other Federal resources provided under this Act.

(3) WAIVER.—Based upon the recommendation of the Secretary, the President may waive paragraph (1) or (2).

H.R. 2846

OFFERED BY: MR. MARTINEZ

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) According to the General Accounting Office, one-third of all elementary and secondary schools in the United States, serving 14,000,000 students, need extensive repair or renovation.

(2) 7,000,000 children attend schools with life safety code problems.

(3) School infrastructure problems exist across the country in urban and nonurban schools; at least 1 building is in need of extensive repair or replacement in 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools.

(4) Many States and school districts will need to build new schools in order to accommodate increasing student enrollments; the Department of Education has predicted that the Nation will need 6,000 more schools by the year 2006.

(5) Many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century.

(6) While school construction and maintenance are primarily a State and local concern, States and communities have not, on their own, met the increasing burden of providing acceptable school facilities for all students, and low-income communities have had the greatest difficulty meting this need.

(7) The Federal Government, by providing interest subsidies and similar types of support, can lower the costs of State and local school infrastructure investment, creating an incentive for States and localities to increase their own infrastructure improvement efforts and helping ensure that all students are able to attend schools that are equipped for the 21st century.

(b) PURPOSE.—The purpose of this Act is to provide Federal interest subsidies, or similar assistance, to States and localities to help them bring all public school facilities up to an acceptable standard and build the additional public schools needed to educate the additional numbers of students who will enroll in the next decade.

SEC. 2. DEFINITIONS.

Except as otherwise provided, as used in this Act, the following terms have the following meanings:

(1) COMMUNITY SCHOOL.—The term "community school" means a school facility, or part of a school facility, that serves as a center for after-school and summer programs and delivery of education, tutoring, cultural, and recreational services, and as a safe

haven for all members of the community by—

(A) collaborating with other public and private nonprofit agencies (including libraries and other educational, human-service, cultural, and recreational entities) and private businesses in the provision of services;

(B) providing services such as literacy and reading programs, senior citizen programs, children's day care services; nutrition services, services for individuals with disabilities, employment counseling, training, and placement, and other educational, health, cultural, and recreational services; and

(C) providing those services outside the normal school day and school year, such as through safe and drug-free safe havens for learning.

(2) CONSTRUCTION.—(A) The term "construction" means—

(i) the preparation of drawings and specifications for school facilities;

(ii) erecting, building, acquiring, remodeling, renovating, improving, repairing, or extending school facilities;

(iii) demolition in preparation for rebuilding school facilities; and

(iv) the inspection and supervision of the construction of school facilities.

(B) The term "construction" does not include the acquisition of any interest in real property.

(3) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given that term in section 14101(18) (A) and (B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18) (A) and (B)).

(4) SCHOOL FACILITY.—(A) The term "school facility" means—

(i) a public structure suitable for use as a classroom, laboratory, library, media center, or related facility, whose primary purpose is the instruction of public elementary or secondary students; and

(ii) initial equipment, machinery, and utilities necessary or appropriate for school purposes.

(B) The term "school facility" does not include an athletic stadium, or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

(6) STATE.—The term "State" means each of the 50 States and the Commonwealth of Puerto Rico.

(7) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given that term in section 14101(28) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(28)).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $5,000,000,000 for fiscal year 1998 and such sums as may be necessary for each succeeding fiscal year.

SEC. 4. ALLOCATION OF FUNDS.

(a) ALLOCATION OF FUNDS.—Of the amounts appropriated to carry out this Act, the Secretary shall make available—

(1) 49 percent of such amounts for formula grants to States under section 111;

(2) 34 percent of such amounts for direct formula grants to local educational agencies under section 206;

(3) 15 percent of such amounts for competitive grants to local educational agencies under section 127; and

(4) 2 percent of such amounts to provide assistance to the Secretary of the Interior as provided in subsection (b).

(b) RESERVATION FOR THE SECRETARY OF THE INTERIOR AND THE OUTLYING AREAS.—

(1) Funds allocated under subsection (a)(4) to provide assistance to the Secretary of the interior shall be used—

(A) for the school construction priorities described in section 1125(c) of the Education Amendments of 1978 (25 U.S.C. 2005(c)); and

(B) to make grants to American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, in accordance with their respective needs, as determined by the Secretary.

(2) Grants provided under subsection (b)(1)(B) shall be used for activities that the Secretary determines best meet the school infrastructure needs of the areas identified in that paragraph, subject to the terms and conditions, consistent with the purpose of this Act, that the Secretary may establish.

TITLE I—GRANTS TO STATES

SEC. 111. ALLOCATION OF FUNDS.

(a) FORMULA GRANTS TO STATES.—Subject to subsection (b), the Secretary shall allocate the funds available under section 4(a)(1) among the States in proportion to the relative amounts each State would have received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year if the Secretary had disregarded the numbers of children counted under that subpart who were enrolled in schools of local educational agencies that are eligible to receive direct grants under section 206 of this Act.

(b) ADJUSTMENTS TO ALLOCATIONS.—The Secretary shall adjust the allocations under subsection (a), as necessary, to ensure that, of the total amount allocated to States under subsection (a) and to local educational agencies under section 206, the percentage allocated to a State under this section and to localities in the State under section 206 is at least the minimum percentage for the State described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for the previous fiscal year.

(c) REALLOCATIONS.—If a State does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of the State's allocation, as the case may be, to the remaining States in the same proportions as the original allocations were made to those States under subsections (a) and (b).

SEC. 112. STATE ADMINISTRATION.

The Secretary shall award each State's grant to the State educational agency to administer the State grant, or to another public agency in the State designated by the State educational agency if the State educational agency determines that the other agency is better able to administer the State grant.

SEC. 113. ALLOWABLE USES OF FUNDS.

Each State shall use its grant under this title only for 1 or more of the following activities to subsidize the cost of eligible school construction projects described in section 114:

(1) Providing a portion of the interest cost (or of another financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a State or its instrumentality for the purpose of financing eligible projects.

(2) State-level expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Making subgrants, or making loans through a State revolving fund, to local educational agencies or (with the agreement of the affected local educational agency) to other qualified public agencies to subsidize—

(A) the interest cost (or another financing cost approved by the Secretary) of bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other agency or unit of local government for the purpose of financing eligible projects; or

(B) local expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in subparagraph (A).

(4) Other State and local expenditures approved by the Secretary that leverage funds for additional school construction.

SEC. 114. ELIGIBLE CONSTRUCTION PROJECTS; PERIOD FOR INITIATION

(a) ELIGIBLE PROJECTS.—States and their subgrantees may use funds under this title, in accordance with section 113, to subsidize the cost of—

(1) construction of elementary and secondary school facilities in order to ensure the health and safety of all students, which may include the removal of environmental hazards, improvements in air quality, plumbing, lighting, heating, and air conditioning, electrical systems, or basic school infrastructure, and building improvements that increase school safety;

(2) construction activities needed to meet the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(3) construction activities that increase the energy efficiency of school facilities;

(4) construction that facilitates the use of modern educational technologies;

(5) construction of new school facilities that are needed to accommodate growth in school enrollments; or

(6) construction projects needed to facilitate the establishment of community schools.

(b) PERIOD FOR INITIATION OF PROJECT.—(1) Each State shall use its grant under this title only to subsidize construction projects described in subsection (a) that the State or its localities have chosen to initiate, through the vote of a school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(2) If a State determines, after September 30, 2001, that an eligible project for which it has obligated funds under this title will not be carried out, the State may use those funds (or any available portion of those funds) for other eligible projects selected in accordance with this title.

(c) REALLOCATION.—If the Secretary determines, by a date before September 30, 2001, selected by the Secretary, that a State is not making satisfactory progress in carrying out its plan for the use of the funds allocated to it under this title, the Secretary may reallocate all or part of those funds, including any interest earned by the State on those funds, to 1 or more other States that are making satisfactory progress.

SEC. 115. SELECTION OF LOCALITIES AND PROJECTS.

(a) PRIORITIES.—In determining which localities and activities to support with grant funds, each State shall give the highest priority to localities with the greatest needs, as demonstrated by inadequate educational facilities (particularly facilities that pose a

threat to the health and safety of students), coupled with a low level of resources available to meet school construction needs.

(b) ADDITIONAL CRITERIA.—In addition to the priorities required by subsection (a), each State shall consider each of the following in determining the use of its grant funds under this title:

(1) The age and condition of the school facilities in different communities in the State.

(2) The energy efficiency and the effect on the environment of projects proposed by communities, and the extent to which these projects use cost-efficient architectural design.

(3) The commitment of communities to finance school construction and renovation projects with assistance from the State's grant, as demonstrated by their incurring indebtedness or by similar public or private commitments for the purposes described in section 114(a).

(4) The ability of communities to repay bonds or other forms of indebtedness supported with grant funds.

(5) The particular needs, if any, of rural communities in the State for assistance under this title.

(c) INELIGIBILITY FOR TITLE 2 SUBGRANTS.—Local educational agencies in the State that receive direct grants under section 206 shall be ineligible for a subgrant under this title.

SEC. 116. STATE APPLICATIONS.

(a) APPLICATION REQUIRED.—A State that wishes to receive a grant under this title shall submit through its State educational agency, or through an alternative agency described in section 112, an application to the Secretary, in the manner the Secretary may require, not later than 2 years after the date of enactment of this Act.

(b) DEVELOPMENT OF APPLICATION.—The State educational agency or alternative agency described in section 112, shall develop the State's application under this title only after broadly consulting with the State board of education, and representatives of local school boards, school administrators, and business community, parents, and teachers in the State about the best means of carrying out this title.

(c) STATE SURVEY.—(1) Before submitting the State's application, the State educational agency or alternative agency described in section 112, with the involvement of local school officials and experts in building construction and management, shall survey the needs throughout the State (including in localities receiving grants under title II) for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the State, including health and safety problems;

(B) the capacity of the schools in the State to house projected enrollments; and

(C) the extent to which the schools in the State offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A State need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this title.

(d) APPLICATION CONTENTS.—Each State application under this title shall include—

(1) a summary of the results of the State's survey of its school facility needs, as described in subsection (c);

(2) a description of how the State will implement its program under this title;

(3) a description of how the State will allocate its grant funds, including a description of how the State will implement the priorities and criteria described in section 115;

(4)(A) a description of the mechanisms that will be used to finance construction projects supported by grant funds; and

(B) a statement of how the State will determine the amount of the Federal subsidy to be applied, in accordance with section 517(a), to each local project that the State will support;

(5) a description of how the State will ensure that the requirements of this title are met by subgrantees under this title;

(6) a description of the steps the State will take to ensure that local educational agencies will adequately maintain the facilities that are constructed or improved with funds under this title;

(7) an assurance that the State will use its grant only to supplement the funds that the State, and the localities receiving subgrants, would spend on school construction and renovation in the absence of a grant under this title, and not to supplant those funds;

(8) an assurance that, during the 4-year period beginning with the year the State receives its grant, the average annual combined expenditures for school construction by the State and the localities that benefit form the State's program under this title (which, at the State's option, may include private contributions) will be at least 125 percent of the average of those annual combined expenditures for that purpose during the 8 preceding years; and

(9) other information and assurances that the Secretary may require.

(e) WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.—The Secretary may waive or modify the requirement of subsection (d)(8) for a particular State if the State demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because the State or its localities have incurred particularly high level of school construction expenditures during the previous 8 years.

SEC. 117. AMOUNT OF FEDERAL SUBSIDY.

(a) PROJECTS FUNDED WITH SUBGRANTS.—For each construction project assisted by a State through a subgrant to a locality, the State shall determine the amount of the Federal subsidy under this title, taking into account the number or percentage of children from low-income families residing in the locality, subject to the following limits:

(1) If the locality will use the subgrant to help meet the costs of repaying bonds issued for a school construction project, the Federal subsidy shall be not more than one-half of the total interest cost of those bonds, determined in accordance with paragraph (4).

(2) If the bonds to be subsidized are general obligation bonds issued to finance more than 1 type of activity (including school construction), the Federal subsidy shall be not more than one-half of the interest cost for that portion of the bonds that will be used for school construction purposes, determined in accordance with paragraph (4).

(3) If the locality elects to use its subgrant for an allowable activity not described in paragraph (1) or (2), such as for certificates of participation, purchase or lease arrangements, reduction of the amount of principal to be borrowed, or credit enhancements for individual construction projects, the Federal subsidy shall be not more than one-half of the interest cost, as determined by the State in accordance with paragraph (4), that would have been incurred if bonds had been used to finance the project.

(4) The interest cost referred to in paragraphs (1), (2), and (3) shall be—

(A) calculated on the basis of net present value; and

(B) determined in accordance with an amortization schedule and any other criteria and conditions the Secretary considers necessary, including provisions to ensure comparable treatment of different financing mechanisms.

(b) STATE-FUNDED PROJECTS.—For a construction project under this title funded directly by the State through the use of State-issued bonds or other financial instruments, the Secretary shall determine the Federal subsidy in accordance with subsection (a).

(c) NON-FEDERAL SHARE.—A State, and localities in the State, receiving subgrants under this title, may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEC. 118. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT

(a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each State that receives a grant, and each recipient of a subgrant under this title, shall deposit the grant or subgrant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this title.

(b) PRUDENT INVESTMENT REQUIRED.—Each State that receives a grant, and each recipient of a subgrant under this title, shall—

(1) invest the grant or subgrant in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness described in section 113; and

(2) notwithstanding section 6503 of title 31, United States Code, or any other law, use the proceeds of that investment to carry out this title.

SEC. 119. STATE REPORTS.

(a) REPORTS REQUIRED.—Each State receiving a grant under this title shall report to the Secretary on its activities under this title, in the form and manner the Secretary may prescribe.

(b) CONTENTS.—Each report shall—

(1) describe the State's implementation of this title, including how the State has met the requirements of this title;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities;

(3) identify the level of Federal subsidy provided to each construction project carried out with support from the State's grant; and

(4) include any other information the Secretary may require.

(c) FREQUENCY.—(1) Each State shall submit its first report under this section not later than 24 months after it receives its grants under this title.

(2) Each State shall submit an annual report for each of the 3 years after submitting its first report, and subsequently shall submit periodic reports as long as the State or localities in the State are using grant funds.

TITLE II—DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 201. ELIGIBLE LOCAL EDUCATIONAL AGENCIES

(a) ELIGIBLE AGENCIES.—Except as provided in subsection (b), the local educational agencies that are eligible to receive formula grants under section 126 are the 100 local

educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary.

(b) CERTAIN JURISDICTIONS INELIGIBLE.—For the purpose of this title, the local educational agencies for Hawaii and the Commonwealth of Puerto Rico are not eligible local educational agencies.

SEC. 202. GRANTEES.

For each local educational agency for which an approvable application is submitted, the Secretary shall make any grant under this title to the local educational agency or to another public agency, on behalf of the local educational agency, if the Secretary determines, on the basis of the local educational agency's recommendation, that the other agency is better able to carry out activities under this title.

SEC. 203. ALLOWABLE USES OF FUNDS.

Each grantee under this title shall use its grant only for 1 or more of the following activities to reduce the cost of financing eligible school construction projects described in section 204:

(1) Providing a portion of the interest cost (or of any other financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other unit or agency of local government for the purpose of financing eligible school construction projects.

(2) Local expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Other local expenditures approved by the Secretary that leverage funds for additional school construction.

SEC. 204. ELIGIBLE CONSTRUCTION PROJECTS; REDISTRIBUTION

(a) ELIGIBLE PROJECTS.—A grantee under this title may use its grant, in accordance with section 203, to subsidize the cost of the activities described in section 114(a) for projects that the local educational agency has chosen to initiate, through the vote of the school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(b) REDISTRIBUTION.—If the Secretary determines, by a date before September 30, 2001 selected by the Secretary, that a local educational agency is not making satisfactory progress in carrying out its plan for the use of funds awarded to it under this title, the Secretary may redistribute all or part of those funds, and any interest earned by that agency on those funds, to 1 or more other local educational agencies that are making satisfactory progress.

SEC. 205. LOCAL APPLICATIONS.

(a) APPLICATION REQUIRED.—A local educational agency, or an alternative agency described in section 122 (both referred to in this title as the "local agency"), that wishes to receive a grant under this title shall submit an application to the Secretary, in the manner the Secretary may require, not later than 2 years after the date of enactment of this Act.

(b) DEVELOPMENT OF APPLICATION.—(1) The local agency shall develop the local application under this title only after broadly consulting with the State educational agency, parents, administrators, teachers, the business community, and other members of the local community about the best means of carrying out this title.

(2) If the local educational agency is not the applicant, the applicant shall consult with the local educational agency, and shall obtain its approval before submitting its application to the Secretary.

(c) LOCAL SURVEY.—(1) Before submitting its application, the local agency, with the involvement of local school officials and experts in building construction and management, shall survey the local need for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the local educational agency, including health and safety problems;

(B) the capacity of the local educational agency's schools to house projected enrollments; and

(C) the extent to which the local educational agency's schools offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A local educational agency need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this title.

(d) APPLICABLE CONTENTS.—Each local application under this title shall include—

(1) an identification of the local agency to receive the grant under this title;

(2) a summary of the results of the survey of school facility needs, as described in subsection (c);

(3) a description of how the local agency will implement its program under this title;

(4) a description of the criteria the local agency has used to determine which construction projects to support with grant funds;

(5) a description of the construction projects that will be supported with grant funds;

(6) a description of the mechanisms that will be used to finance construction projects supported by grant funds;

(7) a requested level of Federal subsidy, with a justification for that level, for each construction project to be supported by the grant, in accordance with section 208(a), including the financial and demographic information the Secretary may require;

(8) a description of the steps the agency will take to ensure that facilities constructed or improved with funds under this title will be adequately maintained;

(9) an assurance that the agency will use its grant only to supplement the funds that the locality would spend on school construction and renovation in the absence of a grant under this title, and not to supplant those funds;

(10) an assurance that, during the 4-year period beginning with the year the local educational agency receives its grant, its average annual expenditures for school construction (which, at that agency's option, may include private contributions) will be a least 125 percent of its average annual expenditures for that purpose during the 8 preceding years; and

(11) other information and assurances that the Secretary may require.

(e) WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.—The Secretary may waive or modify the requirement of subsection (d)(10) for a local educational agency that demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because that agency has incurred a particularly high level of school construction expenditures during the previous 8 years.

SEC. 206. DIRECT FORMULA GRANTS.

(a) ALLOCATIONS.—The Secretary shall allocate the funds available under section 4(a)(2) to the local educational agencies identified under section 201(a) on the basis of their relative allocations under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in the most recent year for which that information is available to the Secretary.

(b) REALLOCATIONS.—If a local educational agency does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of its allocation, as the case may be, to the remaining local educational agencies in the same proportions as the original allocations were made to those agencies under subsection (a).

SEC. 207. DIRECT COMPETITIVE GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary shall use funds available under section 4(a)(3) to make additional grants, on a competitive basis to local educational agencies, or alternative agencies described in section 202.

(b) ADDITIONAL APPLICATION MATERIALS.—Any local educational agency, or an alternative agency described in section 202, that wishes to receive funds under this section shall submit an application to the Secretary that meets the requirements under section 205 and includes the following additional information:

(1) The amount of funds requested under this section, in accordance with ranges or limits that the Secretary may establish based on factors such as relative size of the eligible applicants.

(2) A description of the additional construction activities that the applicant would carry out with those funds.

(3) A description of the extent to which the proposed construction activities would enhance the health and safety of students.

(4) A description of the extent to which the proposed construction activities address compliance with Federal mandates, including providing accessibility for the disabled and removal of hazardous materials.

(5) Information on the current financial effort the applicant is making for elementary and secondary education, including support from private sources, relative to its resources.

(6) Information on the extent to which the applicant will increase its own (or other public or private) spending for school construction in the year in which it receives a grant under this section, above the average annual amount for construction activity during the preceding 8 years.

(7) A description of the energy efficiency and the effect on the environment of the projects that the applicant will undertake and of the extent to which those projects will use cost-efficient architectural design.

(8) Other information that the Secretary may require.

(c) SELECTION OF GRANTEES.—In determining which local educational agencies shall receive direct grants under this title, the Secretary shall give the highest priority to local educational agencies that—

(1) have a need to repair, remodel, renovate, or otherwise improve school facilities posing a threat to the health and physical safety of students, coupled with a low level of resources available to meet school construction needs, and have demonstrated a high level of financial effort for elementary and secondary education relative to their local resources;

(2) have a need to repair, remodel, renovate, or construct school facilities in order

to comply with Federal mandates, including providing for accessibility for the disabled and removal of hazardous materials, coupled with a low level of resources available to meet school construction needs, and have demonstrated a high level of financial effort for elementary and secondary education relative to their local resources; and

(3) demonstrate a need for emergency assistance for to repair, remodel, renovate, or construct school facilities, coupled with a low level of resources available to meet school construction needs, and have demonstrated a high level of financial effort for elementary and secondary education relative to their local resources.

(d) MINIMUM ALLOCATIONS.—Of the amount available for competitive awards under section 4(a)(3), the Secretary shall ensure that, in making awards under subsection (a), no less than 40 percent of such amount is available to the local educational agencies described in section 121(a) and no less than 40 percent of such amount is available to the local educational agencies eligible for subgrants under title I.

(e) ADDITIONAL CRITERIA.—The Secretary may establish additional criteria, consistent with subsections (c) and (d), and with purposes of this title, for the purpose of electing grantees under this title.

SEC. 208. AMOUNT OF FEDERAL SUBSIDY.

(a) AMOUNT OF FEDERAL SUBSIDY.—For each construction project assisted under this title, the Secretary shall determine the amount of the Federal subsidy in accordance with section 117(a).

(b) NON-FEDERAL SHARE.—A grantee under this title may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEC. 209. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT

(a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each grantee under this title shall deposit the grant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this title.

(b) PRUDENT INVESTMENT REQUIRED.—Each grantee under this title shall—

(1) invest the grant funds in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness; and

(2) notwithstanding section 6503 of title 31, United States Code, or any other law, use the proceeds of that investment to carry out this title.

SEC. 210. LOCAL REPORTS.

(a) REPORTS REQUIRED.—(1) Each grantee under this title shall report to the Secretary on its activities under this title, in the form and manner the Secretary may prescribe.

(2) If the local educational agency is not the grantee under this title, the grantee's report shall include the approval of the local educational agency or its comments on the report.

(b) CONTENTS.—Each report shall—

(1) describe the grantee's implementation of this title, including how it has met the requirements of this title;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities; and

(3) other information the Secretary may require.

(c) FREQUENCY.—(1) Each grantee shall submit its first report under this section not later than 24 months after it receives it grant under this title.

(2) Each grantee shall submit an annual report for each of the 3 years after submitting its first report, and subsequently shall submit periodic reports as long as it is using grant funds.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL EMPLOYEES.

For purposes of carrying out this Act, the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, may appoint not more than 10 technical employees who may be paid without regard to the provisions of chapter 51 and subchapter IV of chapter 5 of that title relating to classification and General Schedule pay rates.

SEC. 302. WAGE RATES

(a) PREVAILING WAGE.—The Secretary shall ensure that all laborers and mechanics employed by contractors and subcontractors on any project assisted under this Act are paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended (40 U.S.C. 276a et seq.). The Secretary of Labor has, with respect to this section, the authority and functions established in Reorganization Plan Numbered 14 of 1950 (effective May 24, 1950, 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(b) WAIVER FOR VOLUNTEERS.—Section 7305 of the Federal Acquisition Streamlining Act of 1994 (40 U.S.C. 276d-3) is amended—

(1) in paragraph (5), by striking out the "and" at the end thereof;

(2) in paragraph (6), by striking out the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) title V of the Reading Excellence Act,".

SEC. 303. NO LIABILITY OF FEDERAL GOVERNMENT.

(a) NO FEDERAL LIABILITY.—Any financial instruments, including but not limited to contracts, bonds, bills, notes, certificates of participation, or purchase or lease arrangements, issued by States, localities, or instrumentalities thereof in connection with any assistance provided by the Secretary under this Act are obligations of such States, localities or instrumentalities and not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

(b) NOTICE REQUIREMENT.—Documents relating to any financial instruments, including but not limited to contracts, bonds, bills, notes, offering statements, certificates of participation, or purchase or lease arrangements, issued by States, localities or instrumentalities thereof in connection with any assistance provided under this Act, shall include a prominent statement providing notice that the financial instruments are not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

SEC. 304. REPORT TO CONGRESS.

The Secretary shall report on the activities conducted by States and local educational agencies with assistance provided under this Act, and shall assess State and local educational agency compliance with the requirements of this Act. Such report shall be submitted to Congress not later than 3 years after the date of enactment of this Act and annually thereafter as long as States or local educational agencies are using grant funds.

SEC. 305. CONSULTATION WITH SECRETARY OF THE TREASURY.

The Secretary shall consult with the Secretary of the Treasury in carrying out this Act.

EXTENSIONS OF REMARKS

INTRODUCTION OF H.R. 3150, THE BANKRUPTCY REFORM ACT OF 1998

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GEKAS. Mr. Speaker, yesterday, I had the honor, along with my colleagues Congressmen JIM MORAN of Virginia, RICK BOUCHER of Virginia, and BILL MCCOLLUM of Florida, to submit to the Congress legislation to reform the Bankruptcy Code. This measure, the Bankruptcy Reform Act of 1998—H.R. 3150—will be referred to the House Committee on the Judiciary, and then to the Judiciary Subcommittee on Commercial and Administrative Law. As the Chairman of the Subcommittee on Commercial and Administrative Law I can assure the Congress that this measure will be given an expeditious review and brought to the full House of Representatives as soon as possible. Why? Because bankruptcy reform is needed, and needed now.

Mr. Speaker, I would like to submit to the body two items for printing in the CONGRESSIONAL RECORD which detail my position on bankruptcy reform and the major provisions of H.R. 3150. There will be much, much more information offered on this topic, this bill and the arguments for, and against, what is here being proposed. I look forward to a spirited debate and enactment of the best bankruptcy reform bill possible.

THE BANKRUPTCY REFORM ACT OF 1998

MAJOR PROVISIONS

The Bankruptcy Reform Act of 1998 was introduced on February 3rd by Rep. GEORGE GEKAS (R–Pa.), Rep. JAMES MORAN (D–Va.), Rep. BILL MCCOLLUM (R–Fla.), and Rep. RICK BOUCHER (D–Va.). The bill is designed to restore personal responsibility to the bankruptcy system and to ensure that it is fair for debtors, creditors and consumers. Topics covered by the bill include:

Consumer Bankruptcy

In 1997, Americans filed an all-time record of 1.33 million consumer bankruptcy petitions, which erased an estimated $40 billion in consumer debt. Those losses are passed on to all consumers, resulting in a hidden tax of $400 for every American household. In other words, consumers who pay their bills are forced to pick up the tab for those who do not. The consumer bankruptcy provisions of the Bankruptcy Reform Act of 1998 are designed to address a flaw in bankruptcy law that allows individuals to file for bankruptcy and walk away from their debts, regardless of whether they are able to repay a portion of what they owe.

Needs-based bankruptcy—The Bankruptcy Reform Act of 1998 creates a system that would determine the amount of financial relief a debtor needs and require people to repay what they can. The amount of relief would be calculated based on a formula that uses a debtor's income and obligations to determine his or her ability to repay.

If the debtor cannot repay all of his or her secured and priority debts, and at least 20 percent of unsecured debts over five years, the debtor has the option of filing for complete relief under Chapter 7 of the bankruptcy code. (Examples of secured debts are car loans and mortgages. Priority debts are such obligations as alimony, child support and back taxes. Unsecured debts include installment loans and credit card debts.)

If the debtor could repay all of his or her secured and priority debts and at least 20 percent of unsecured debts over five years, the debtor may not file under Chapter 7; if the debtor still chooses bankruptcy, he or she would file under Chapter 13 and begin a repayment plan. (Under Chapter 7, a debtor receives nearly complete relief from debts. Under Chapter 13, the court establishes a timely repayment plan that can run up to five years.)

Those debtors with an annual income of less than 75 percent of the national median family income can choose automatically whether to file for bankruptcy under Chapter 7 or Chapter 13; the needs-based test does not apply to these individuals.

Debtor's Bill of Rights—This provision would protect consumers from "bankruptcy mills"—law firms and other entities that steer consumers into filing bankruptcy petitions without adequately informing consumers of their rights and the potential harm bankruptcy can cause. Under the legislation, an attorney is required to refund the full cost of representing the consumer if he or she does not provide full and fair representation. The bill would also crack down on misleading advertisements and other tactics by requiring full disclosure about an organization's services, and sets out a series of rules under which for-profit "debt relief counseling organizations" must operate so that consumers are assured that they will get proper and adequate advice.

Consumer Education—The bill contains two education-related provisions. First, each consumer must receive information prior to filing for bankruptcy about his or her options, both within the bankruptcy system and alternatives to bankruptcy. Second, the bill creates a pilot program of financial management training for debtors and allows the Court to require a debtor to complete such a program as a condition of having his or her debts discharged.

Exemptions—The bill increases from 180 to 365 days the time in which a debtor must live in a particular state in order to take advantage of that state's asset exemption rules. This provision is designed to limit a debtor's ability to move into a state with broader exemptions immediately prior to filing for bankruptcy.

Small Business Bankruptcy

More than 50,000 American businesses file for bankruptcy each year, including many small ones. The Bankruptcy Reform Act of 1998 implements reforms recommended by the National Bankruptcy Review Commission to streamline the treatment of small business Chapter 11 cases. The legislation defines a small business as one with less than $5 million in debts. The Commission found that the Chapter 11 process, which is designed to give business owners time to reorganize and get the business back on its feet, often had inadequate oversight and was ineffective for small businesses. Major reforms in this area include:

Requiring all small businesses to confirm Chapter 11 plans within 150 days of filing, or prove that they are deserving of an extension.

Enlarging the grounds for conversion to Chapter 7, under which a Bankruptcy Trustee is required to liquidate the business.

Charging U.S. Trustees and Bankruptcy Administrators with overseeing small business debtors and "blowing the whistle" early on cases that cannot succeed in Chapter 11. (The current oversight system, which involves court-appointed creditors' committees, has proven ineffective).

Single-Asset Realty Cases

These provisions also implement recommendations of the National Bankruptcy Review Commission in a specific area of Chapter 11. Single-asset realty cases typically involve in office or apartment building where the rents are inadequate to cover payments due on the mortgage. Owners often file Chapter 11 to postpone foreclosure. Usually there are few or no creditors other than the mortgage holder. The Commission found that owners in this situation often propose "new value" plans, whereby the mortgage holder's claim is reduced to the current value of the building, the excess claim is canceled, and the owner contributes a new amount of money toward the new value. The Bankruptcy Reform Act of 1998 takes steps to streamline this process and to ensure that the "new value" must be in cash equal to 25% of the full value of the property.

Enhanced Data Collection

A common complaint about the current bankruptcy system is that data is limited, making it difficult for Congress to recommend changes. The Bankruptcy Reform Act of 1998 would require: Uniform, national reporting forms for Chapters 7, 11 and 13; monthly filing forms for Chapter 11, so that the progress of a business reorganization can be easily monitored; a "sense of the Congress" declaration that all non-confidential data should be stored electronically and be made available to the public via the Internet; and a "Sense of the Congress" declaration that a national data system should be established for tracking bankruptcy trends.

Bankruptcy Tax Issues

The Bankruptcy Reform Act of 1998 makes a number of changes to existing law to close loopholes that limit the government's ability to collect taxes. The bill also improves the system for notifying government representatives of a bankruptcy filing in which taxes may be involved.

The Bankruptcy Reform Act of 1998 also incorporates the major elements of S. 1149, the Investment in Education Act, which was unanimously reported by the Senate Judiciary Committee last October. This language ensures that local school districts and governments are given a priority in bankruptcy proceedings to recover back property taxes.

School districts around the country are losing money because they tend to be last in line to collect back taxes owed by property owners who have filed for bankruptcy. These provisions ensure that more money is put back into schools.

Direct Appeals

Under current law, there are two levels of appeals in bankruptcy cases. The first is an appeal to a district court or a bankruptcy appellate panel and the second is to the U.S. Court of Appeals. This proposal would streamline and expedite the appeals process by eliminating the first step and allowing appeals to be taken directly to the U.S. Court of Appeals.

Making Chapter 12 Permanent

The bill would also make permanent Chapter 12 of the Bankruptcy Code, which is scheduled to expire in 1998. Chapter 12 is designed to preserve family farms by limiting the power of a bank to exercise a veto over a farmer's reorganization plan. This provision was adopted unanimously by the Senate in October.

STATEMENT OF CHAIRMAN GEORGE W. GEKAS, CHAIRMAN, JUDICIARY SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW—BANKRUPTCY REFORM ACT OF 1998

The greatest, and perhaps most dangerous, irony I have come across in the past decade is that despite economic growth, low inflation, low unemployment, and increasing personal income, our nation has seen an alarming increase in the number of bankruptcy filings—1.3 million in 1997 to be exact. Think about that for a second. That's more than one family per every hundred in the United States and over $40 billion in debt that has been erased—in a year of strong economic growth. It only further illustrates the problem when you consider that the number of filings in the '90s is eight times as many, per household, as there were during the Depression.

It wasn't always this way. The so-called "bankruptcy of convenience" is a new phenomenon, borne out of the loss of stigma the word "bankruptcy" once, but no longer, carried. It used to be a sense of responsibility, or perhaps more appropriately, a sense of disgrace and embarrassment that discouraged Americans from declaring bankruptcy. Deals were cut to make sure that creditors would at least eventually see their money and that debtors paid off, rather than legally erased, their debt.

Harry S. Truman, the 33rd President of the United States, spent the better part of the 1920s in debt due to the collapse of his clothing business in 1922. Truman was both a man and a President of the highest moral character with a tremendous sense of responsibility, which was reflected in the motto that sat on his desk in the Oval office— "The buck stops here." Truman eventually paid off all of his creditors by working out deals and payment schedules, thereby keeping himself out of bankruptcy court and ensuring that he lived up to bills he amassed.

As an attorney in practice, I can remember negotiating such a repayment arrangement for a client in the late '60s. With just a few phone calls I was able to appease my client's creditors and arrange for payments to be made on a regular basis until my client's debt could be discharged. While my client's creditors were demanding their pound of flesh, they knew all too well that a deal was in their best interests. The creditors would get paid, albeit not immediately. The other option was for my client to declare bankruptcy, which would have erased his debt and left his creditors high and dry. Both parties agreed that an arrangement based on responsibility and good faith was the better alternative.

Today's situation is tremendously difficult to comprehend, because times are good. The only reasonable explanation is that the stigma of bankruptcy is all but dead. How do we know? Other than the last two decades, we only see "spikes" in the number of bankruptcy filings during times of recession—which makes sense. During difficult economic times it is always tougher to make ends meet. But the past six years have been a period of unparalleled economic growth—as any Wall Street broker would be happy to tell us. So obviously the growth in the personal bankruptcy market is not a response to the economy.

Nor can we justifiably point an accusing finger at the credit card industry. The popular myth is that the credit card industry is flooding consumers with credit they can't afford thereby causing a surge in filings. However, those accusations are misdirected. Credit card debt accounts for only 16% of all bankruptcy debt. With some quick calculations you can see that leaves $33.6 billion of some $40 billion in debt still unaccounted for—so it is not likely nor is it fair to blame the credit card industry for the rapid increase in bankruptcy filings.

The lack of stigma has become a weed infesting the bankruptcy landscape. And the seed that sprouted this condition was Congress, or more correctly our predecessors in Congress. The Bankruptcy Reform Act of 1978 changed the code dramatically, making the system decidedly pro-debtor. The 1978 reforms were appropriate for the times. But the times have changed. In the twenty years since, filings have gone from 200,000 to 1.3 million.

In his 1997 Economic Report, President Clinton also acknowledged that the Bankruptcy Reform Act of 1978 is the primary culprit for the increased filings of the past two decades. The report states that "recent rises in nonbusiness bankruptcies is probably the result of changes in the bankruptcy law and a number of broader social changes . . . researchers generally attribute much to the increase in bankruptcies since the late 1970s to effects of the Bankruptcy Reform Act of 1978."

The weed has spread as bankruptcy became viewed more as a financial planning tool, government debt forgiveness program, and a first choice, rather than a last resort. Bankruptcy has even become fashionable—the Hollywood trend setters do it. People Magazine recently ran a cover story to illustrate the problem. Willie Nelson, Burt Reynolds, Kim Basinger, M.C. Hammer, former Baseball Commissioner Bowie Kuhn, Arizona Governor Fife Symington, former Philadelphia Eagles owner and Pennsylvania trucking magnate Leonard Tose are just a few of the high profile filers lending their help, albeit unconsciously, to make bankruptcy en vogue. Just last week, Grammy Award winning singer Toni Braxton, who has sold more than 15 million records in the past 5 years, declared bankruptcy.

It is simply too easy to file. I sent my bankruptcy counsel, Dina Ellis, to Bankruptcy court a few weeks back and what she reported to me was mind boggling. Lawyers who have never met their clients looking like limousine drivers at the airport as they try to identify their clients and get them in front of the judge. Scores of cases decided over the course of a few hours, spending an average of 1 to 5 minutes to decide each case. Can you imagine? Spend a couple of hours filling out forms and a couple of minutes before a judge and you can kiss your debts goodbye. You want to put that in perspective? By the time this press conference is finished 20 people will have had their debts discharged.

Of course, any remnants of the bankruptcy stigma are easily erased by our daily dose of media. Bankruptcy lawyers have taken to advertising on TV, radio and in the papers to tout the benefits of stiffing your creditors or how to restore your credit immediately after declaring bankruptcy. The way they make it sound, you would think that you are crazy to responsibly pay your bills or mortgage. It pays to go into debt.

The crux of the problem is that too many consumers are choosing convenience rather than responsibility for the debts that they have accrued and can afford to pay. This is why you and I should care about stemming the tidal wave of bankruptcies.

When irresponsible spenders who can afford to pay all or some of their debt declare bankruptcy, you and I get stuck with the bill. It's a $40 billion bill that we share this year, or $400 per household. I don't know about you but $400 dollars is 5 weeks' worth of groceries or 20+ fill-ups at the gas pump to me. It has also been estimated that it takes 15 responsible borrowers to cover the cost of one bankruptcy of convenience.

When consumers file for bankruptcy, retailers pass on the costs in the form of higher prices, layoffs and/or buying less from suppliers. Lenders redistribute bankruptcy debt by charging you and me higher interest rates and insurance premiums.

Now my colleagues and I have a decision to make: plow new ground or let the weeds grow. Mr. Moran, Mr. McCollum, Mr. Boucher and I have decided to plow. The bill we are introducing here today is a conglomeration of ideas, strategies and solutions that, when enacted, will put an end to the abuse, protect the downtrodden and keep you and I from footing the bill for someone else's irresponsibility.

The genesis of this reform was the Bankruptcy Reform Act of 1994 and its major tenet, the formation of the National Bankruptcy Review Commission. The Commission was charged with the duty of studying the bankruptcy code and submitting a report in two years suggesting proposed reforms. Last October, the Commission released its report and recommendations to Congress. To put it lightly, the report was disappointing (even by several Commissioner's own admissions), for it failed to identify the problem of increased consumer bankruptcies or offer adequate solutions. However, in its defense, it did provide a starting point for our debate.

Our bill is comprehensive—tackling both consumer and business bankruptcy. Let me highlight some of the fine points of our bill:

Our bill emphasizes responsibility and cuts down on abuse by implementing a needs-based system. Our plan mirrors previous legislation introduced by Congressmen McCollum and Boucher.

A unique portion of our legislation is what I call the "Debtor's Bill of Rights," which outlines protection for those who legitimately require bankruptcy's safety net and in particular would save them from becoming victims of the "bankruptcy mills."

There is also language included in the bill that provides a pilot program for consumer education to help debtors better manage their finances.

We have addressed the exemption issue, making it more difficult for those who are

dodging their debts to hide their wealth in exempted assets.

Our bill also permanently extends Chapter 12 bankruptcy to protect family farmers under the Code.

What you see before you is a tremendous accomplishment—reestablishing the link between bankruptcy and the ability to pay one's debts. Yet it still preserves the foundation of bankruptcy—providing the safety net that supports those who suffer a major life crisis.

My home state of Pennsylvania passed one of the first bankruptcy laws in our nation's history. The Pennsylvania Bankruptcy Act of 1785, called for consumers convicted of bankruptcy to be nailed to the pillory by the ear and then publicly flogged. After the flogging the ear would be cut off. By no means do we wish to return to those days.

To paraphrase my former colleague and former Treasury Secretary Lloyd Bentsen: while there is nothing wrong in legitimately admitting financial defeat by filing bankruptcy when it becomes impossible to repay one's debts, we must make an effort to restore the justifiable sense of embarrassment Americans once felt asking their neighbors to shoulder their burden.

Another concern is that the current system—which breeds financial irresponsiblity—is not the cure-all imagined by those who live beyond their means. By allowing people to escape from their financial obligations, we are doing those individuals a disservice by not encouraging them to manage their finances and control their debt. The end result is a citizenry caught in a never-ending cycle of debt. With bankruptcy filings expected to reach historic levels this year, I have grave concerns for the stability—economic and emotional—of the American family.

The time is now, while our economy is robust, to reform. Waiting until the dawn of the next recession or economic downturn will only allow this outbreak of bankruptcy to run into an uncontrollable epidemic. Historically, bankruptcy was intended as a last resort pursued only under the most dire of situations. We are committed to ensuring that the code will help those in dire circumstances get back onto their feet while protecting responsible consumers who are unfairly bearing the cost.

HONORING TROUSDALE HIGH SCHOOL STATE FOOTBALL CHAMPIONS FOR AN OUTSTANDING SEASON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a long-awaited goal.

The group is the Trousdale High School Yellow Jackets football team of Hartsville, Tennessee, and that goal was winning the state 1–A championship game. Their hard-fought victory, and the hard work and dedication they demonstrated throughout the year will not go unnoticed.

After all, they were honored as Region 3 1–A Champions, 1–A State Champions, and had a perfect 15–0 record.

These men of Trousdale High School trained vigorously, played tirelessly, and deserve recognition for a job well done.

I congratulate each member of the team, their Head Coach, Clint Satterfield, and all the assistant coaches, managers, school administrators and all other support staff. I know they won't soon forget this milestone, and those that are still to come.

The players are true champions: Taylor Dillehay, Brandon Eden, Thomas Payne, Ell Sanders, Robert Duncan, Chris Sutton, Travis Marshall, Casey Marshall, Jason Evitts, Dominique Harper, Jason Vootoo, Corey Harper, Brandon Samson, Brent Dalton, Colin Meyer, Ryan McCellan, Nick West, Renard Woodmore, Craig Moreland, Bowdy Fain, Shawn Vaughn, Jatarius Osborne, Adam Harper, Daniel Towns, Joe Cornwell, Bobby Livingston, Adam Keeton, Tony Jewell, Junior Fields, Benjamin Blair, Earl Carman, Timmy Tomlinson, James Keller, Pete Wilkerson, Michael Scruggs, Blake Holder, Baxton Adams, Dion Burnley, Adam Bratton, Brian Haney, Corey Timberlake, Justin Smith, John Carey and Kevin Gregory.

IN RECOGNITION OF MONTANA PERRY ROMINE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. RAHALL. Mr. Speaker, I rise to pay special tribute to Montana Perry Romine, a native of Mount Hope, West Virginia, who retired from the Mine Safety and Health Administration on January 3, 1998, after more than 47 years of federal service.

Mrs. Romine was first hired on June 26, 1950, by the U.S. Bureau of Mines in Mount Hope. During her career, she offered professional and dedicated service to the people of the United States through her work at the Bureau of Mines, the former Mining Enforcement and Safety Administration, and finally with the Mine Safety and Health Administration. In recognition of her service and professionalism, Mrs. Romine earned numerous awards, including a distinguished career service award.

I am sure that Mrs. Romine's many friends and colleagues at the Mine Safety and Health administration will miss her both personally and professionally. Today, I join them in congratulating her for her service and wishing her continued health and happiness in retirement.

TRIBUTE TO DR. HAROLD P. SMITH, JR., ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL BIOLOGICAL DEFENSE PROGRAMS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. DELLUMS. Mr. Speaker, I would like to pay tribute today to the numerous accomplishments of my constituent, Dr. Harold P. Smith, Jr., the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs. He is leaving his position to return to California. In his service to the Administration, he directed programs that refocused national defense to respond to the growing threat posed by the potential proliferation of Weapons of Mass Destruction (WMD).

One of the most noteworthy programs benefiting from Dr. Smith's skillful leadership was the Cooperative Threat Reduction (CTR) program. This program was designed to help the successor states to the Former Soviet Union eliminate WMD delivery systems and to promote the safety and security of the weapons remaining in Russia. Dr. Smith established a dedicated Program Office which successfully implemented agreements with the Former Soviet Union that eventually resulted in the denuclearization of Belarus, Kazakhstan, and Ukraine. This program initiated the construction of a major fissile material storage facility in Russia to provide secure, long-term storage for approximately 12,500 nuclear warheads. In addition, supercontainers, specialized railcars, emergency response equipment, computerized inventory and personnel reliability capabilities were provided to enhance the safe and secure transportation and storage of Russia's nuclear warheads. He personally negotiated an agreement with Russia to design the first Chemical Weapons Destruction Facility to begin the destruction of 40,000 metric tons of chemical weapons.

Dr. Smith significantly advanced the U.S. Chemical Demilitarization Program. The destruction process for the United States chemical weapons stockpile is currently underway at Johnston Island and Tooele Army Depot in Utah. Construction of destruction facilities at the other seven storage sites in the United States is on schedule to meet the requirements of the Chemical Weapons Convention Treaty that entered into force in 1997.

Unprecedented changes affecting nuclear matters occurred during Dr. Smith's assignment. He worked successfully with the Department of Energy and the Department of Defense to balance the nuclear stockpile in a non-testing environment. In anticipation of implementation of a Comprehensive Test Ban Treaty, he collaborated with the Department of Energy to develop the Stockpile Stewardship and Management Plan (SSMP). This plan will eliminate nuclear explosive testing requirements. Dr. Smith also improved significantly our capability to monitor world-wide nuclear testing and organized the Department of Defense for this support.

In response to shortfalls in military capabilities identified during Operation Desert Storm, Dr. Smith established a Joint Program Office to ensure better management and higher visibility of Department of Defense chemical and biological defense programs. Resources required to counter proliferation of weapons of mass destruction were moved from research and development status to procurement programs in support of troops on the battlefield. He was instrumental in joint military service improvements of biological agent detection systems such as the establishment of the Joint Vaccine Acquisition contract. As a result, shortages of equipment critical for U.S. forces to survive and fight on contaminated battlefields have been remedied.

Two Defense agencies have enhanced their missions under Dr. Smith's leadership. The Defense Special Weapons Agency (DSWA) has responsibility for supporting a variety of programs dealing with WMD. This mission includes support for CTR, research and development for counter proliferation and arms control, as well as facility vulnerability assessments. DSWA is now the center for nuclear expertise in the Department of Defense. The On-Site Inspection Agency has set international standards in arms control monitoring through professional execution of inspection, reduction, liaison, escort, and monitoring missions for various regimes.

I commend Dr. Smith's leadership and accomplishments in reducing the threat of Weapons of Mass Destruction. He successfully tackled a very challenging mission and his contributions towards improving our nation's security are many and enduring.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to RON DELLUMS—a distinguished member of this body who has announced that he will retire this Friday.

The House will lose an outstanding Member of Congress with Representative DELLUMS's retirement. Congressman DELLUMS has served his constituents and the United States well and faithfully in the 27 years since he was first elected to Congress.

RON DELLUMS's career before his election to Congress helped prepare him for his outstanding service in the House. His service in the U.S. Marine Corps provided him with experience that would be of great use during his many years on the House Armed Services Committee. His experiences as a social worker and as a job training and development program manager provided him with insights into the everyday problems facing many American families. And his service on the Berkeley City Council provided him with valuable first-hand knowledge of the challenges facing municipal governments.

RON DELLUMS was first elected to Congress in 1970, campaigning on a platform of civil rights, environmentalism, and social justice. He clearly delivered on that promise in his first term and in his subsequent terms.

In his 14 terms in office, RON DELLUMS has served on a number of different committees, including the Foreign Affairs Committee, the National Security/Armed Services Committee, the District of Columbia Committee, the Post Office and Civil Service Committee, the Permanent Select Committee on Intelligence, and the Select Committee to Investigate the Intelligence Community. He served as chairman of the Armed Services Committee and of the District of Columbia Committee; he has the distinction of being the first Member of Congress to chair two different House standing committees.

RON DELLUMS has earned his reputation as an opponent of wasteful military spending. He believed that the defense budget could be reduced significantly without compromising our national security. He was unswerving in his efforts to cut military spending and shift federal resources to addressing pressing domestic needs. He worked diligently to halt the nuclear arms race, and with that end in mind he was a vocal opponent of strategically unwise weapons systems like the MX Missile and the B–2 Bomber.

Congressman DELLUMS was instrumental in recent years in drafting and offering an annual alternative budget that reflected progressive, fiscally responsible policies rather than the status quo, and he was an articulate and respected advocate for dramatic changes in federal spending priorities.

Congressman DELLUMS was active in a number of other areas as well. He introduced health care reform legislation as early as 1977. He introduced housing legislation and infant mortality bills. He led the fight against Apartheid in South Africa, introducing legislation as early as 1971 to impose economic sanctions on that country. He worked to help create the Department of Education and to fully fund Head Start. He was involved in environmental issues like dredging. And he was a strong supporter of the Civil Rights Restoration Act, the Americans with Disabilities Act, and the reauthorization of the Voting Rights Act in 1987.

Congressman DELLUMS has had a remarkable career in the House. He has left his mark, made many friends, and earned great respect on both sides of the aisle.

RON, we will miss you here in the House. We will miss your insight, your passion, your eloquence, and your sense of perspective. We wish you well in your future endeavors.

CORINNE ROTH SMITH NAMED HANNAH G. SOLOMON AWARDEE OF THE YEAR

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. WALSH. Mr. Speaker, I want to ask my colleagues to join me today in congratulating a Central New York woman of whom I and my community are very proud, Corinne Roth Smith, the 1997 Hannah G. Solomon Award Recipient.

This prestigious award is named in the memory of the founder of the National Council of Jewish Women. The concerns of the NCJW include the improvement of the quality of life for people of all ages and backgrounds. To paraphrase the recent tribute: Corinne Smith has helped to change and expand the role of other women in vital areas of the community. Her leadership has motivated others to fight for change and has resulted in public enlightenment.

This is the 25th year in which the NCJW's Greater Syracuse Section has presented this award. As I salute Corinne Smith, I congratulate the Syracuse Section as well.

Corinne is a volunteer, organizer and community leader extraordinaire. She has led the United Way, been a board member of Hillel, chaired the Federal Campaign for the Jewish Community Center, and in fact was the first woman to serve as President of the JCC.

She has received the Jewish Family Service Humanitarian Award, as well as the Syracuse Post-Standard Woman of Achievement in Education award. As the Dean of Academic Programs for the School of Education at Syracuse University, Corinne has touched the lives of students, families and even indirectly other academicians through her outstanding publications which deal with learning disabilities, her specialty area.

It is with great pride that I enter Corinne Smith's name in the CONGRESSIONAL RECORD today as a exemplary citizen, a mother, wife, and civic leader who rightly deserves this tremendous honor as well as our great esteem and deep respect.

HONORING THE REVEREND HARRISON T. SIMONS FOR PUBLIC SERVICE IN THE AREA OF RACE RELATIONS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise to call the attention of the Congress to the work of the Reverend Harrison T. Simons of Oxford, North Carolina, for outstanding public service in the area of race relations. Reverend Simons received the Nancy Susan Reynolds Award on November 22, 1997 given by the Z. Smith Reynolds Foundation. The Nancy Susan Reynolds Award was founded "to seek out unsung heroes who have made a difference in their North Carolina communities."

On January 1, 1998, Reverend Simons retired from his position as rector of St. Stephen's Church and vicar of St. Cyprians Church in Oxford. As our nation prepares to celebrate Black History Month, it is appropriate to honor the work of Reverend Harrison, for his more than twenty-five years of service to the cause of racial harmony. I commend the work of Reverend Harrison and all members of the Oxford, North Carolina community of all backgrounds for their work in enhancing relations among people of every race. The Nancy Susan Reynolds Award to Reverend Harrison proclaims the following:

THE 1997 NANCY SUSAN REYNOLDS AWARDS

When Z. Smith Reynolds died in 1932, his two sisters and brother wanted their portion of his estate to benefit the people of North Carolina who had helped to create that wealth. So they formed the Z. Smith Reynolds Foundation in 1936. When their uncle, William Neal Reynolds, died in 1951, he left the majority of his estate to provide additional support to the Foundation.

One of the founders of the Z. Smith Reynolds Foundation was Smith Reynolds' sister, Nancy Susan Reynolds, who has been called "the most remarkable woman of widely diversified philanthropy in Twentieth Century America." She believed in taking risks, even risking failure; she respected leadership and those who exhibited the courage "to try again and again."

She held strongest to the conviction that the best societies are those built from the

bottom up and that a good community is not improved by grand gestures alone but by many people working together for common goals. In 1986 the Trustees of the Foundation created the Nancy Susan Reynolds Awards to honor her by seeking out unsung heroes who have made a difference in their North Carolina communities.

This is the twelfth year that the Z. Smith Reynolds Foundation has presented the Nancy Susan Reynolds Awards, recognizing the uncommon leadership of North Carolinians whose vision, determination, resourcefulness, and strength of character have caused them to succeed where other individuals would have failed.

Even today, few people outside the recipients' neighborhoods would recognize their names. You will not find among the previous winners a governor, a corporate executive, or a bishop. You will find a priest, a teacher, a carpenter, a forester, a farmer, a librarian, and a physician assistant. What is remarkable is how each, usually with limited resources and in spite of the odds, has accomplished extraordinary good in his or her community.

The recipients this year—a Catholic nun from Belmont, an Episcopal priest from Oxford, and a dynamic young woman from Sunbury—are no less remarkable.

During its history, the Z. Smith Reynolds Foundation has made grants of more than $240 million to projects in all 100 counties in North Carolina. While the Foundation's geographic boundary of North Carolina is firm, the Foundation's grantsmaking strives to be far-reaching. It often seeks to initiate rather than to react, to question rather than to accept, to challenge rather than to affirm. The Foundation currently gives special attention to certain focus areas—community economic development, the environment, pre-collegiate education, issues affecting minorities, and issues affecting women.

LATIN AMERICA: PROGRESS IN DEMOCRACY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GALLEGLY. Mr. Speaker, while members were in their districts for the recent recess, several countries in Latin America and the Caribbean held important political elections. In every instance, these elections were seen as free, fair and transparent as observed by representatives of the international community. These success stories have once again demonstrated the growing acceptance and strength of democracy in the region. This nation has worked very hard to promote regional democracy through our Agency for International Development as well as through our efforts here in the Congress. As Chairman of the Western Hemisphere Subcommittee, I believe we can be very encouraged by the progress that is being made and we should commend those nations, and others, for their commitment to democracy and free and open elections.

I also want to commend the nations of Latin America and the Caribbean for the economic progress they are making as many of them progress to open market economies. According to a recent report by the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the economies of Latin America and the Caribbean experienced their best economic performance as a region in almost twenty-five years averaging a rate of growth of close to 5.3 percent while experiencing an average inflation rate of just 11 percent. This is truly good news and serves to reinforce the fact that the region is making steady and impressive progress.

Mr. Speaker, I want to congratulate President Janet Jagan of Guyana, President Carlos Flores of Honduras, Prime Minister P.J. Paterson of Jamaica, President Miguel Rodriguez of Costa Rica, as well as all of the candidates for Congress and municipal seats in both Chile and Colombia who won their respective elections.

Mr. Speaker, I am submitting a brief description of several of the elections which took place during the recess.

Colombia—On October 26, 1997, Colombia held nationwide municipal elections. These elections portrayed the worst and best aspects of modern Colombian democracy. Unfortunately, leftist rebels (a.k.a. "narco-guerrillas) attempted to disrupt the elections, especially in the rural areas which they control, by kidnaping and murdering many of the candidates. These efforts were modestly successful in twenty municipalities where elections were not held. Despite this disruption, and more positively, over 10 million Colombians voted, showing their strong support for the electoral process. The right to choose municipal officers is only about ten years old, so this affirmation of that right is encouraging, considering the rebels and drug lords assault on Colombia's democracy.

Guyana—The December 1997 presidential election was won by Janet Jagan's People's Progressive Party (the Chicago-born widow of the former president). However, this election was significant in that the opposition People's National Congress fomented rioting for several weeks after disputing the election results, charging fraud in the victory of the People's Progressive Party. Many experts, including those at International Foundation for Elections Systems, agreed that there were irregularities, but doubted that they had any conclusive impact on the outcome. Recently, the opposition signed an agreement with President Jagan to accept the results of the vote and end the street demonstrations.

Honduras—The November 1997 presidential election was momentous for the fact that it allowed the citizens for the first time to vote in their residential districts using new national identity ID cards. As a result, there was much less confusion for voters and irregularities were held to a minimum as the Liberal Party's Carlos Flores won the presidency. Importantly, the army played a vital role of supporting democracy. Observers noted that if it had not been for the army's help in transporting the ballots and election results, the chances of fraud and diminished public confidence would have been much greater. The Honduran governments is committed to addressing problems for future elections as well: turnout has dropped off somewhat, and the voter list is not as accurate as it should be.

Jamaica—The December 1997 parliamentary elections witnessed the historic second re-election of Prime Minister P.J. Patterson's People's National Party over the Jamaican Labour Party and the National Democratic Movement. While the elections were mostly free and fair across the country and the results are not in dispute, international observers, which included President Carter and Gen. Powell, noted that Jamaican politics still suffers from the problem of the garrison communities in the capital of Kingston. These are parts of the city wherein one of the major parties is dominant by means of patronage or intimidation; therefore, election results continue to return few or no opposition votes in these communities.

Chile—The December 1997 congressional elections resulted in victory for the Concertacion, the center left ruling coalition, and improved showings for both the hard right and the hard left; the more moderate left- and right-wing forces did worse than last time out. Aside from some poll workers showing up late for work, a commonality in Latin America, and a high abstention rate, there were no irregularities, and the vote represents for many observers evidence that Chile's democracy is quite stable.

HONORING WHITE HOUSE HIGH SCHOOL STATE FOOTBALL CHAMPIONS FOR AN OUTSTANDING SEASON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a long-awaited goal.

The group is the White House High School Blue Devils football team of White House, Tennessee, and that goal was winning the state 3–A championship game. Their hard-fought victory, and the hard-work and dedication they demonstrated throughout the year will not go unnoticed.

After all, they were honored as Region 4 Champions, 3–A State Champions and had a perfect 15–0 record. The team also had 5 Associated Press All State players, 2 Tennessee Sportswriters All-State players and 8 All Region 1st team members.

These men of White House High School trained vigorously, played tirelessly, and deserve recognition for a job well done.

I congratulate each member of the team, their Head Coach, Jeff Porter, and all the assistant coaches, managers, school administrators and all other support staff. I know they won't soon forget this milestone, and those that are still to come.

The players are true champions: Jarod Jullierat, Corey Coker, Joey Rodgers, Jim Smith, J.R. Carroll, Andy Tucker, Ryan Sherrill, James Harper, Chris Barnes, Rudy Farmer, Brock Waggoner, Brian Whittaker, Josh Lanius, Jonathan Finch,, Josh Barton, Chuckie Jarrett, Clint Ruth, Brent Bunn, Josh Harrison, Eddie Carrigan, Jeremy Perry, Alan Hargrove, Jon Shelton, Adam Smith, Jim

Stacey, Brian Jones, Jon Simpson, Jason Faulk, Chad Rogers, Josh Ahmic, Roger Smith, Chris Gaddis, Chris Laroy, Tyler Judge, Scott Hawkins, Will Bush, Aaron Holmes, Jeremy Adcock, Ryan Cole, Jesse Sharp, Kevin Harris, Dustin King, Joseph Dillehay, Justin O'Guin, Josh Widener, Nathan Jarrett, Joe Bledsoe, Daniel Gray, David Mapes, Andrew McGreggor, Jessie Wagner, Michael Day, Matt Armistead, Josh McEarl, Adam Hanes, Jason Buckner, Ryan Holmes, Jonathan Miller, Mychael Smith, Ricky Ellis, Eric Carpenter, Clinton Van Der Westhuizen, Gary Adcock, Darrell McDaniel, Robert Keene, Brandon Barker, Joe Armistead, Casey Nash, Brandon Scott, Todd Stephens, and Pete Bloodworth.

HONORING RENEE NOLAN AND FRIENDS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor a group of remarkable young women in the 11th District of New Jersey and to share with my colleagues in the U.S. House of Representatives a story of selflessness and friendship.

In September 1996, Renee Nolan, a college sophomore at Seton Hall University, was diagnosed with an inoperable brain tumor. Radiation and chemotherapy treatments forced her to leave college and an experimental treatment left her paralyzed on her right side.

Despite her illness and many setbacks, this courageous woman has continued her valiant fight, regaining some movement in her right hand and learning to walk again. Renee received tremendous support from friends that deserve recognition.

Daniela Mastria, Beth Reynolds, Jennifer Franke, Jennifer Kelleher, and Alexis Smith of Boonton, New Jersey, and Donna Polizzi and Domenica "Mimma" Avena of Lincoln Park, New Jersey, have all been friends with Renee since their grade and high school days. When Renee's friends learned of her devastating illness, they began one of the most touching and determined crusades that I have ever known.

Immediately, Renee's friends made and randomly passed out fliers, set up a bank account, and rented a post office box to receive donations. Then, they sponsored a dinner dance to honor Renee and to raise additional money to help defray Renee's growing medical expenses.

Since June of 1997, this amazing group has raised approximately $32,000 for their friend and her family. Of even greater importance to Renee, these devoted friends have provided continual and invaluable moral and emotional support. When Renee is well enough, they plan outings. When she is not, they are with her at home with ice cream, games and smiles to help her and her family keep their spirits up. When Renee is most ill, they help nurse her.

This group of friends, all college students, have visited Renee daily at home or in the hospital, cooked for her family, and taken Renee back to Boonton High School, where she was once co-captain of the cheerleading squad. They have given selflessly of themselves, by any standard, often giving up their college and social activities to be available for Renee and her family.

It is heartwarming to see the selfless dedication with which these women have acted for their friend. In fact, as a result of her experience with Renee, one of the young women has changed her college major to nursing, so that she can better continue her legacy of caring.

These young women were recently honored by the New Jersey State Assembly and by Governor Christine Todd Whitman. This proved to be an especially moving and encouraging experience for Renee and her family.

Mr. Speaker, I know that all of my colleagues in the House join me in congratulating and thanking these exceptional women and friends, and that you will also join me in wishing them, Renee and her family well.

TRIBUTE TO EDUARDO PALACIOS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my good friend Eduardo Palacios, who for 27 years has been a bona fide hero to hundreds if not thousands of immigrants in the San Fernando Valley. In 1971, Eduardo started an immigrant rights and resource clinic in a tiny one-room office in the City of San Fernando. Today these kinds of centers are common, but that wasn't the case in the early 1970s.

Eduardo was motivated by humanitarian concerns and a strong sense of Chicano pride. He witnessed Mexican immigrants who were being exploited by unscrupulous businesses. Language and culture prevented many from seeking or receiving help. By offering his services, Eduardo filled a huge need.

Soon after opening, the clinic moved into a room with a couple of desks and file cabinets in Santa Rosa Church. The clinic adopted the name Immigration Services of Santa Rosa. Using a corps of dedicated volunteers, Eduardo expanded the clinic to include job referrals, medical assistance, food and shelter. He was doing everything possible to provide his clients with the tools to make a good living in this country.

It's hard to believe that Eduardo was doing this work while employed full-time at Harshaw Chemicals. In 1983, he left his job with Harshaw to devote himself to assisting immigrants. Two years later Immigration Services of Santa Rosa was accredited by the Board of Immigration Appeals, which led to more clients. The timing could not have been better; new arrivals were now coming to Southern California from Central America as well as Mexico.

Immigration Services of Santa Rosa is a family affair. In 1988, Eduardo hired his daughter, Victoria Aldina, as Assistant Executive Director; three years later his son, Carl Alan, joined the organization as Administrative Director. Together the Palacios have been a godsend for Spanish-speaking immigrants.

I ask my colleagues to join me today in saluting Eduardo Palacios, a leader in the effort to improve the lives of immigrants. His compassion, sensitivity and extraordinary energy inspire us all. I am proud to be his friend.

SOLVE OUR NATION'S NUCLEAR WASTE PROBLEM

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. NORWOOD. Mr. Speaker, before the larger issues of election year politics and balancing the federal budget eclipse this short legislative cycle, there is an urgent need for Congress to solve the nation's nuclear waste problem.

For 16 years, we have witnessed the Department of Energy's (DOE) hesitation to move this project forward, despite a clear statutory obligation established in the Nuclear Waste Policy Act of 1982. As we are aware, January 31 marked the deadline for DOE to begin accepting used nuclear fuel from nuclear power plants and defense facilities in 41 states and storing it in a single, federally monitored location.

This failure by DOE to act is simply irresponsible. I can find no reason that the department has disregarded the deadline other than a slate of serious consequences or the miscarriage of its fiscal duty and unconscionable behavior.

For one, DOE had a clear obligation to accept used nuclear fuel, not only according to a federal statute, but also according to federal court. In two rulings since 1996, a federal appellate court reaffirmed DOE's legal obligation to take nuclear fuel under a contract with electric utilities.

As if those rulings were not enough, DOE's offense could land it in court again—this time to defend challenges that utilities and electricity consumers are entitled to a full refund, plus damages for financing a disposal program that never materialized. Those damages could amount to $56 million by some estimates. Where will that money come from? Taxpayers, no doubt. Whatever the source, one thing's for certain—any refund or damages owed to utility customers undermine this Congress's efforts to balance the federal budget. It also puts all taxpayers at risk of paying a hefty lawsuit for capricious delays.

For these reasons, it is essential that the House and the Senate leaders appoint conferees to negotiate minor differences in the nuclear waste reform bills passed overwhelmingly by both chambers last year.

I urge my colleagues to pass this legislation as early as possible, so that it is not obscured by other weighty matters that await us this session. Let us solve the nuclear waste problem swiftly, for the sake of taxpayers—our constituents—who have already sent $14 billion to the Nuclear Waste fund without getting anything in return.

A GIFT

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. LATOURETTE. Mr. Speaker, as a proud co-sponsor to H.R. 1500, America's Red Rock Wilderness Act of 1997, I would like to insert the following poem, written by Ms. Anna Taft on October 27, 1997, into the CONGRESSIONAL RECORD:

The desert gave me a package: a pile of sand wrapped in a bundle of cottonwood leaves. This gift contains a mixture of all the medicine of this land. It has red and white powders from slickrock sculptures, crushed juniper berries and pinon nuts, tiny bits of cryptogamic castles, damp sand from deep canyon streams, desert varnish from narrow blackened slots, and minuscule shards of Anasazi cookware. All blended together, its contents are no longer discernible, but it smells distinctly of triumph over adversity, of trees sprouting up far from water, of pothole creatures emerging from dormancy as raindrops rehydrate their world, of topographic contour lines at last clicking into place to match landforms, of hikers passing packs past the last ledge to reach a canyon rim, of warm sleeping bags inside a megamid covered with snow, of evaporation off of hot bodies as they emerge from a sweat lodge into cold night air, of a group of people learning to live together in harmony in the desert, of balance, neither superabundance nor emptiness. This bundle is wrapped tightly, but as I travel its leaves will start to come apart. The sand inside will spill out, spreading its magic through all the places I go. Everyone I meet will smell the job of accomplishment, the peace of harmony. One or two of them will recognize the scent and pull out their own little bundles, letting their own magic flow over them again. The others will smell and know of the wonderful things that are out there. For some, it may be the signal to go out and find that essence of life for themselves. For others it will be enough simply to breathe deeply and understand. If I don't keep the leaves moist, they will dry out and crack and I will lose more sand. But some will always be with me and the medicine will always be there.

The desert has given me a package, but what can I give to the desert? I can give only sweat and blood, perhaps tears, and my love and gratitude, my commitment to walk softly and protect this land as best I can. The desert asks only this in return: that I let it live and share its magic with others, that they, also, may learn to love the land.

TRIBUTE TO DR. AND MRS. ZERZAN ON THEIR 50TH WEDDING ANNIVERSARY

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SMITH of Oregon. Mr. Speaker, I rise today to recognize an outstanding achievement of two of my fellow Oregonians, Dr. Charles and Mrs. Joan Zerzan of Milwaukie, Dr. and Mrs. Zerzan will be celebrating their 50th wedding anniversary on February 7, 1998, and I believe this body would be remiss in not taking note of this accomplishment.

Dr. and Mrs. Zerzan met while attending college at Willamette University in Salem, Oregon. Dr. Zerzan was a veteran of the United States Army, having fought for our country in the China-Burma-India campaign in an effort to free those nations from the Imperial Army of Japan. Mrs. Zerzan, known at that time as Joanie Kathan, was an outstanding violinist from Rogue River, Oregon. Her talents as a violinist won her a scholarship to Willamette. The two met when Dr. Zerzan was running for President of his class, and Mrs. Zerzan was running for Secretary. Although both lost their respective races, they won something more important: each other's hearts. The two were married in Milwaukee, Wisconsin, where Dr. Zerzan was attending medical school at Marquette University.

Upon graduating from medical school, Dr. Zerzan re-enlisted in the Army. The Zerzans were stationed all over America, including here in Washington at Walter Reed Army Hospital. Somehow they found the time to have 12 children, four daughters and eight sons, who in turn have given Dr. and Mrs. Zerzan 29 healthy, happy grandchildren. Dr. Zerzan retired from the Army with the rank of Lt. Colonel in 1968, and the entire family moved back home to Oregon.

Mr. Speaker, Dr. and Mrs. Zerzan's accomplishment would be notable enough for its longevity. But, for the reasons I have outlined above, and for countless others that time will not permit me here to mention, their accomplishment serves as an example to future generations of the awe-inspiring power of love. Strong families are truly the bulwark of this nation, and it is individuals like Dr. and Mrs. Zerzan whose dedication to one another, and to America, give this nation its greatest strength. Mr. Speaker, I know that you and this entire body join me in saying to Dr. and Mrs. Zerzan, congratulations on your 50 years together, and thank you for the example you have set. St. Paul said long ago, "in the end there abideth faith, hope and love, these three; and the greatest of these is love." Dr. and Mrs. Zerzan, long driven by these words, have once again proven their enduring wisdom.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to one of the most respected members of the House of Representatives, the ranking Member of the House National Security Committee, RON DELLUMS. I know that I safely speak for all of my Colleagues when I say that the House will not be the same without his thoughtful leadership when he leaves this body on Friday.

Chairman DELLUMS has served in the House of Representatives for over twenty seven years, arriving in 1971 as an intense young man, committed to his principles of justice, education and health care for all. His legislative goals including cutting back on defense spending and using that money to help local communities, and to ending apartheid in South Africa.

In the 27 years since arriving in Washington, Mr. DELLUMS may have gotten a little bit more gray hair, but one thing hasn't changed: His intensity and commitment to the people of California's Bay Area and to the United States.

RON DELLUMS has taken stands on issues that sometimes have been at odds with many other Members. For example, when most members fought to join the House Armed Services Committee to increase defense spending, Mr. DELLUMS joined for another reason. He said at the time, "I did not join the Armed Services Committee to learn about missiles, planes and ships; I joined because I knew I would need to become an expert in this field in order to argue successfully for military spending reductions that would free up resources for the desperate human needs that I see every day in my community."

His stands on other issues have been just as principled. In 1971, the Freshman from California introduced legislation to impose economic sanctions on the apartheid regime of South Africa. It would be fifteen years before this legislation was enacted into law, enacted over the veto of President Ronald Reagan. Lesser members may have given up the cause, but not RON DELLUMS.

It will be this that I will always remember RON DELLUMS. For his hard work and commitment to his ideals and his willingness to always seek an alternative. RON DELLUMS always could be counted on to develop alternatives that reflected his beliefs, so that he would never have to sacrifice his principles.

RON DELLUMS will be missed by the House of Representatives and by me. I wish him the best of luck in all of his future endeavors.

HONORING RIVERDALE HIGH SCHOOL STATE FOOTBALL CHAMPIONS FOR AN OUTSTANDING SEASON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve yet another milestone.

The group is the Riverdale High School Warriors football team of Murfreesboro, Tennessee, and that goal was winning the state 5–A championship game. Their hard-fought victory, and the hard work and dedication they demonstrated throughout the year will not go unnoticed.

After all, they were honored as 5–A State Champions and fought to a 14–1 record for the season.

I congratulate each member of the team, their Head Coach, Gary Rankin, and all the assistant coaches, managers, school administrators and all other support staff. I know they

won't soon forget this milestone, and those that are still to come.

The players are true champions: Ron Akins, Carmoski Mitchell, Quentez Mitchell, Shawn Sanford, Kyle Jones, Eric Locke, Jason Hill, Deran Martin, Conner Barnett, Marvin Smith, Guy Freeman, Brad Garrett, Chance Dittfurth, Donnie Ayers, Jessie Chesterfield, Vincent Watkins, Dejuan Duke, Aundrell Cummings, Dario Hodge, Craig Garrison, Todd Howard, Jeremy L. Davis, Donte Bell, Chad Mackens, Keane McDonald, Larry Verge, Marcus Limbaugh, Rashad Watkins, Jeremy R. Davis, Tarrius Davis, Aaron Macedo, Billy Arrasmith, Troy Broughton, Gene Thorpe, Matt Sawyer, Michael Smallwood, Jonathon Davis, Jon Kelly, Brian Travis, Ryan Gjertson, Gabriel Besleaga, Bill Massaquoi, Justin Prince, Wes Denney, Scott Lowman, Harrison Mullins, Malachi Hernandez, Donald Morris, Chris Brown, Walker Thomas, Darnell Gresham, Rashawn Ray, Justin Waller, Rusty Stephens, Kolas Hughes, Terry Daniels, Josh Stewart, Kevin Bane, Joe Moos, Rhett Bass, Nick Patterson, Corneice Hoke, Andy Davis, Matthew Young, and Eric Greer.

TRIBUTE TO CAPT. ROBERT E. ANDERSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. DIXON. Mr. Speaker, I rise today with great pleasure to honor and acknowledge Robert E. Anderson for his distinguished career and his contributions to family, community, and nation. On February 1, 1998, Captain Anderson retired from his position as Delta Air Lines Chief Pilot based in Los Angeles, culminating an illustrious career. I thank you Mr. Speaker and esteemed colleagues for joining me in commemorating this occasion.

Robert Anderson embarked on his path of lifetime achievement in 1955, graduating as valedictorian from Roosevelt High School in Gary, Indiana. He earned both academic and Naval Reserve Officer Training Corps scholarships to the University of California, Los Angeles (U.C.L.A.). Upon graduation from U.C.L.A. in 1960 with a bachelor of science degree in Electrical Engineering, Captain Anderson was commissioned an Ensign in the United States Navy.

Captain Anderson served his country in the Navy for five years. After flight training in Pensacola, Florida, and Corpus Cristi, Texas, he was deployed to Vietnam where he patrolled the coast at the controls of a P2V airplane. Following his 1965 Honorable Discharge from active duty in the Navy, Captain Anderson returned to Los Angeles and continued military service until 1972 as a member of the United States Naval Reserve. During this time he was employed by I.B.M. as a systems engineer.

In 1968, Captain Anderson began his career as a commercial aviator with Western Air Lines. He was the second African-American pilot hired by the airline and began with the rank of Second Officer flying 737s. At Western, Anderson steadily progressed through the ranks. He was promoted to First Officer in 1972 and earned his Captain's wings in 1979. In June of 1980 he made the transition to DC–10s as a First Officer. Also a member of the Air Line Pilot's Association (ALPA) since 1968, Capt. Anderson's colleagues expressed their esteem for him by selecting him to serve as Chairman of ALPA's Grievance Committee for five years.

Captain Anderson flew 737 and DC–10 jet aircraft for Western until its acquisition by Delta Airlines in 1987. He retained his rank of Captain, flying 727 jets for the carrier. In 1989, Captain Anderson took on additional responsibilities as Line Check Airman; and in 1991 he became an Assistant Chief Pilot based in Los Angeles and in 1996 was promoted to become Delta's first African-American Chief Pilot, a position he held until retirement.

In addition to his distinguished aviation career, Captain Anderson has been a devoted family man. Robert and Yolanda Anderson are the proud parents of four: Roderick Eldon, Kimberly Mauriere, Staci Larelle, and Roslynn Elise; and the grandparents of young Tyrone Pierce Hinderson, Jr.

Mr. Speaker, I congratulate Captain Robert Anderson on his service to our nation and on a stellar career in aviation. I ask that you join me in commending and extending our best wishes to him and Yolanda for many years of good health and prosperity.

KEEP GUNS OUT OF THE HANDS OF CRIMINALS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GOODLING. Mr. Speaker, today I am introducing legislation intended to keep firearms out of the hands of those convicted of misdemeanor drug offenses. Current federal law prohibits a person convicted of a felony crime involving drugs and firearms from owning a firearm. However, those convicted of lesser drug offenses can legally own a gun. My legislation would impose strict penalties and fines for misdemeanors during crimes such as use or possession of an illegal substance when a firearm is present. Similar to legislation I have introduced in the past, my bill has had the endorsement of the Pennsylvania Chiefs of Police and the National Association of Chiefs of Police.

Quite simply, this bill would expand current law to treat individuals who commit less-serious drug offenses in the same manner as people involved in other drug crimes, such as drug trafficking. Those found guilty of simple possession of a controlled substance, and who possesses a firearm at the same time of the offense, will face mandatory jail time and/or substantial fines in addition to any penalty imposed for the drug offense. Mandatory jail time and fines would be required for second and subsequent offenses.

The guilty party would be prohibited from owning a firearm for 5 years. Exceptions could be granted depending upon the circumstances surrounding each individual's case. Current law states that a person convicted of a drug crime can petition to the Secretary of the Treasury for an exemption to the firearms prohibition provided it would not threaten public safety. This legislation will not affect a law-abiding citizen's right to own a firearm.

By imposing stiff penalties on people convicted of lesser drug offenses where a firearm is present, we will send a serious message that the cost of engaging in this activity far outweighs the benefit. If my bill becomes law, individuals owning firearms for legitimate purposes (hunting, target-shooting, collecting, or personal protection) and who also engage in the use of illicit drugs, will think twice before participating in their drug-related endeavors, facing the prospect of enhanced penalties and the loss of their firearms.

Mr. Speaker, the 104th Congress passed legislation that will prevent the early release of drug traffickers and provide increased enforcement on our borders to reduce drug trafficking. Last year, the House passed legislation to establish a program to support and encourage local communities who demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth. I urge my colleagues to continue to focus its efforts on the drug war by passing this legislation in an effort to crack down on this criminal behavior. Drugs and guns are a lethal combination that must not be tolerated by a civilized nation.

TRIBUTE TO ELLEN STRAUS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Ms. WOOLSEY. Mr. Speaker, last week, I had the privilege of taking part in a ceremony to honor a true American hero. Ellen Straus, and her family, were named the recipients of the 1998 Steward of the Land award by American Farmland Trust. Ellen was selected because of her tireless efforts in promoting responsible land stewardship, farmland conservation policy and the use of environmentally and economically sustainable farming practices. This national award could not have gone to a more deserving person.

Born in Amsterdam, Holland, Ellen came to the United States in 1940. She met and married Bill Straus in 1950 and moved to his dairy on the Tomales Bay, in Marin County, where they have been farming ever since. In 1993, the family converted their traditional dairy to an organic operation. The Straus Family Creamery, the first organic dairy and creamery west of the Mississippi, now sells over one million bottles of organic milk per year, in addition to cheese, butter and yogurt.

Their commitment to environmentally sound practices dominates their operation. Their cows are fed 100 percent organically grown feed and are not treated with hormones or antibiotics. Their milk is sold in reusable glass bottles. A windmill pumps water to cows pastured uphill to reduce land erosion. Their bottle washing equipment has been redesigned to use 90% less water than originally designed, and the reclaimed water is used to wash floors. Wastewater generated at the creamery is treated in containment ponds and is later used to irrigate pasture lands. And,

they are the first ranch in the area to use a no-till drill for seeding crops. The Straus family's farming practices have been a model to ranchers throughout Marin County and serve as a standard for organic farming nationwide.

One of Ellen's greatest legacies is the organization she co-founded in 1980, the Marin Agricultural Land Trust (MALT). MALT was the first land trust in the country to focus exclusively on the protection of farm and ranch lands. Through her efforts, Ellen was able to build a consensus among the agricultural, environmental and political communities to protect the farmland which is such an important part of the heritage of Marin County. Currently, MALT holds easements on over 25,000 acres of land, protecting 38 Marin County farms from development. Ellen's vision has served as a model for other land trusts which have been developed across the country.

As a Member of the House of Representatives, I have the good fortune to represent some of the greatest constituents in the country, and Ellen Straus is one of these people. She and Bill have advocated for a lifestyle in which they truly live and believe. Ellen has been an inspiration to me for her vision, her dedication, and her desire to protect the environment and agriculture as a way of life. Without her efforts, the agricultural heritage of West Marin County would have disappeared to development and urban sprawl many years ago. Instead, Ellen Straus has protected the peace and beauty of the West Marin hills for generations to come.

INTRODUCTION OF SEN. ROBERT C. BYRD

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. WISE. Mr. Speaker, I recently had the opportunity to be at an event with Congressman NICK RAHALL and Senator ROBERT C. BYRD in Beckley, West Virginia. That day Congressman RAHALL gave a wonderful introduction of Senator BYRD. I would like to submit a copy of his remarks for the RECORD.

REMARKS OF U.S. REP. NICK RAHALL, INTRODUCTION OF U.S. SENATOR ROBERT C. BYRD, COLLEGE OF WEST VIRGINIA LIBRARY, NOVEMBER 22, 1997.

Thank you, Dr. Polk.

"I cannot live without books." Declared Thomas Jefferson at age 72.

As we dedicate this state of the art learning resource center today, we should reflect that books and Beckley and Senator Byrd share a rich history.

John Beckley, our Town's namesake was the first Librarian of Congress, appointed by Jefferson.

The Library of Congress houses perhaps the greatest collection of human knowledge ever assembled—with one glaring exception.

The greatest collection of knowledge on the United States Senate rests here with us today in the form of our state's senior senator, our esteemed guest, The Honorable Robert C. Byrd.

I do believe Senator Byrd would agree with Jefferson that life without books makes living difficult, but Senator Byrd would go a step further.

You see when Senator Byrd studies history, he studies not for leisure, though it is a passion with him, he studies for the future of our Country, and of our State of West Virginia.

As has been said a good book is one "which is opened with expectation, and closed with profit."

America and West Virginia have greatly profited by the books read by Senator Byrd.

President Polk, Senator Byrd is probably the best student you ever had because he still thirsts for knowledge. Knowledge not for knowledge sake, but knowledge put to work for the people.

I would like to cite one example.

Senator Byrd addressed his colleagues starting on May 5, 1993, in 14 addresses on the pitfalls, the hazards, the constitutional danger and the sheer stupidity of a line-item-veto concept.

He drew heavily from the lessons of the Roman Senate, applied them to the constitutional system we have benefited from for over two hundred years, and showed them for what they are. If I may Senator Byrd put it best, I quote:

"The Budget medicine men have once again begun their annual pilgrimage to the shrine of Saint Line-Item Veto, to worship at the altar of fools' gold, quack remedies . . . and other graven images—which if adopted would give rise to unwarranted expectations and possibly raise serious constitutional questions involving separation of powers, checks and balances, and control of the national purse."

But his voice of principle rose above and went right over the heads of the petty politics of the day and a concocted line item veto was passed by the Congress. Senator Byrd has said teaching the Constitution to his colleagues is like reading the Bible to a herd of buffalo.

When the majorities in the Congress handed the President the power of the line item veto, guess what? He used it.

The first time he used it, the cry went up from the Congress, even from those who had voted to give away their power.

Do you know what the same Congress that had given the President the power of the veto, that same Congress over rode his vetoes—all of them—in the first bill he vetoed.

I share this example with you to say, Robert C. Byrd was in this case, one man armed with truth who made a majority.

When Senator Byrd is able to provide federal funding for a resource center such as this, he builds with more than bricks and mortar—he builds with minds and character for those who will use and grow within these walls and those connected to this center through cyberspace.

Today is not an end, it is a beginning, a new dawn. It is a culmination of the efforts of the tireless worker, a man who believes in West Virginia and in its people.

Builder of highways, mover of mountains, job creator, student, scholar, teacher—a man whom we respect, we know, we love and we thank.

It has been said, a teacher affects eternity, he never knows where his influence will end.

It is indeed my great privilege, my high honor to introduce you to our friend, our neighbor, our senior Senator, whose influence will never end.

CONCERN ABOUT "THE TURKISH UNDERWORLD"

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. ENGEL. Mr. Speaker, I rise to call attention to a growing problem in Turkey. Although it is a member of NATO and a democracy, Turkey is currently experiencing a growth of government-connected crime. Indeed, a recent official report has found that former Prime Minister Tansu Ciller's administration conspired with a broad range of criminal organizations to eliminate political enemies of the Turkish government domestically and abroad. I commend the following editorial, "The Turkish Underworld", published in the New York Times on January 30, 1998, to my colleagues for a fuller explanation of this serious dilemma.

I ask unanimous consent that the text of the article be printed at this point in the CONGRESSIONAL RECORD.

[From the New York Times, Jan. 30, 1998]

THE TURKISH UNDERWORLD

Turkey's secular leaders like to talk about the subversive activities of Islamic politicians and Kurdish separatists, but the gravest threat to democratic order in Turkey in recent years seems to have come from the secular leadership itself. An official investigation has found that between 1993 and 1996 the Government of Prime Minister Tansu Ciller connived with drug gangs, gambling moguls and right-wing hit men to assassinate enemies at home and abroad and sponsor a failed coup attempt in nearby Azerbaijan.

The current Prime Minister, Mesut Yilmaz, has properly expressed outrage at these abuses and promises further inquiries into possible misconduct during the Ciller era. But the problem was not limited to Ms. Ciller's term, and Mr. Yilmaz must not restrict further inquiries to protect government agencies and officials. His recent declaration that he opposes probing into areas that would "harm the state" sounds like a transparent pretext for circumscribing further investigation.

The initial investigation was spurred by the 1996 crash of a car carrying, among others, a senior police official, a drug smuggler wanted on murder charges and a pro-government Kurdish militia leader. These unlikely companions were traveling together, investigators found, because police and intelligence agencies, under government orders, were contracting with criminal gangs to murder real and imagined political opponents. The targets included Kurdish rebels, suspected Armenian terrorists and those believed to be their financial supporters. The report also found that the Ciller Government had aided a failed plot to overthrow the Azerbaijani President, Heydar Aliyev, in hopes his removal would protect drug smuggling routes through Azerbaijan.

The investigators looked mainly at the Ciller period, but also found that links between government security agencies, right-wing death squads and criminal gangs went back much earlier, at least to the time of a 1980 military coup that was followed by a period of severe repression. These earlier links should now be explored more closely, including the period in the early 1990's when Mr. Yilmaz previously served as Prime Minister.

Further investigation is also needed into possible connections between the armed forces and death-squad-style killings in Kurdish areas. The collusion between the Government and the underworld that has now been exposed must be eradicated and never repeated.

A TRIBUTE TO B.L. (BUD) FREW

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SKELTON. Mr. Speaker, it has come to my attention that an outstanding career in the agricultural industry is coming to an end in Missouri. B.L. 'Bud' Frew, president and CEO of the Mid Continent Farmers Association, is retiring after having served Missouri's farming community for nearly 28 years.

Bud Frew's distinguished career in agriculture began in 1960, when he worked at the Illinois farm cooperative, FS Services, Inc. In 1970, Frew crossed the state line, and joined the Mid Continent Farmers Association (MFA). After 10 years of dedicated service to the MFA, Frew became the company's chief operating officer, and just four years later he was appointed as president and CEO.

While representing Missouri farmers at the MFA, Bud Frew involved himself in many agricultural affiliations. He has served as a Board Member of both CF Industries and the National Council of Farm Cooperatives, and as member of the Advisory Committee for the University of Missouri College of Agriculture, Food, and Natural Resources. He has also served on the Governor's Advisory Council on Agriculture. In addition, he has been president of the MFA Foundation, and he has received recognition from the Missouri Young Farmers, the FFA, and the University of Missouri.

Bud Frew's commitment to the community and the MFA is to be commended. MFA's recent success stands as a legacy to Bud Frew's dedication to Missouri farmers. As he prepares for quieter times with his wife, Kit, I know the Members of the House will join me in paying tribute to Bud Frew and wishing him the best in the days ahead.

SOUTH BRONX MENTAL HEALTH COUNCIL, INC. SEVENTH PATIENT RECOGNITION AND EMPOWERMENT DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the South Bronx Mental Health Council, Inc., which this past Friday celebrated its seventh annual "Patient Recognition and Empowerment Day."

Created in 1968, the South Bronx Mental Health Council, Inc. was previously named the Lincoln Community Mental Health Center. It is a community-based organization which provides treatment and mental health services to the local population and to area schools and senior centers.

While it is important, and appropriate, to recognize the care givers who provide these services, it is even more important that those individuals who have made special efforts to overcome their challenges also receive our attention and support.

Mr. Speaker, I ask my colleagues to join me in saluting our friends at the South Bronx Mental Health Council, who on Friday, January 30th, celebrate the seventh annual Patient Recognition and Empowerment Day.

TRIBUTE TO THE YALE LIONS CLUB

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. BONIOR. Mr. Speaker, I ask my colleagues to join me in saluting the Lions Club of Yale, Michigan as they celebrate their 50th Anniversary on February 14, 1998.

In 1948, sixteen concerned Yale citizens felt there was a need to charter the Yale Lions Club. Though their membership has grown and changed, their goal has remained the same: to dedicate their talents to people in need. As DeWayne Wissel, a member of the Lions Club has said, "To know that even one person was helped through our efforts, makes it all worth it."

During the last fifty years, members of the Lions Club have contributed their time and resources to the betterment of their community. Among their many contributions include purchasing eye exams and glasses for area residents, Diabetes Assistance and Awareness programs, Lion's Quest, and funding scholarships for Yale High School students. The members of the Lions Club have also been strong supporters of D.A.R.E., the Yale High School Seniors All-Night Party, Boy Scouts, Girl Scouts, and the Leader Dogs for the Blind. I would like to thank all of the members, past and present who have donated their various talents to improve the quality of life in the Yale community.

The self-sacrificing qualities of the Lions Club members are what makes our communities successful. I ask my colleagues to join me in wishing the Lions Club of Yale a joyful 50th Anniversary. Their legacy of public service is sure to last well beyond another fifty years.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. MOAKLEY. Mr. Speaker, I would like to thank the gentleman from Missouri, Mr. SKELTON, for arranging for this time to honor our colleague, RON DELLUMS, as he prepares to retire from the United States House of Representatives.

Throughout his tenure in this House, he has served his constituents from the 9th congressional district of California with great distinction. Since first being elected to the House in 1970, RON DELLUMS has used a unique combination of common sense, grace, compassion and his strong intellect to become a champion of many causes. He has worked tirelessly on a wide range of issues, indeed, in almost all of the most important issues of our time. He has fought for civil rights, for equal rights for all. He has stood tall as a strong steward of our environment. He served as a powerful voice of reason in the struggle to challenge the militarization of U.S. foreign policy. He was a frequent and eloquent speaker against our misguided military and foreign policies in Latin America in the 1980's. Indeed, while I worked on the investigation of the murders of the Jesuits, their housekeeper and her daughter in El Salvador, I frequently enjoyed having RON's counsel.

As Chair of the Rules Committee, I enjoyed working with RON in his capacity as Chair of the House District of Columbia and in his role as Chair of the Armed Services Committee. It was during this time that I admired RON as he became a masterful practitioner of the art of coalition-building. RON has crossed lines of all types. He always set aside racial, cultural, political, class or gender considerations when dealing with people. Indeed, RON has earned the respect of Members and staff regardless of ideology. RON, you should be most proud of this accomplishment.

Today, it is most appropriate that we take time to honor RON DELLUMS. His service to his constituents and to this nation has been strong. The House of Representatives and all of its members will be diminished by your departure. RON, I wish you continued good health, happiness and a long life. I have enjoyed working with you and will always be proud to call you my friend.

CLINTON'S CHILD CARE PROPOSAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. BEREUTER. Mr. Speaker, this Member highly commends this January 12, 1998, Omaha World-Herald editorial on President Clinton's child care proposal to his colleagues.

BIG GOVERNMENT ERA LIVES ON IN CLINTON'S CHILD CARE PROPOSAL

Bill Clinton is playing Daddy President again. The same president who announced the end of the era of big government in 1996 is now advocating a major new government benefit: subsidized child care.

Clinton has proposed a five-year combination of spending increases and tax incentives that would cost the Treasury almost $22 billion. Of that, he would spend $14.3 billion on child care subsidies for low-income families, increased funding of Head Start for preschoolers and a new federal program to promote training and safety at child care centers.

The plan would let families with incomes of up to $30,000 take a tax credit for 50 percent of child care expenses up to a limit of $2,400 for one child, $4,800 for two or more. Families above $30,000 in annual income could also claim credits on a sliding scale as

income rises. At $60,000, their maximum credit would be 20 percent of child care costs. The current credit is 20 percent—30 percent if family income is $28,000 or less.

The plan has shocking implications. It would eliminate federal income taxes for a family of four with an annual income of up to $35,000 a year. So long as the family used the maximum credit, life would be tax-free as far as the Internal Revenue Service was concerned.

Reducing the tax burden on the poor is one thing. A family that earns $35,000 a year is not poor.

Accompanied by a dozen children for the announcement, Clinton called the plan "the single largest national commitment to child care in the history of the United States." His plan would in fact be an unprecedented foray by the federal government into the way American children are raised.

And what of the families who have planned and sacrificed to allow one parent to stay home with the children? Many families with a stay-at-home mom or dad are not wealthy. The Clinton proposal ignored them. Indeed, the Clinton plan could encourage more families to send both parents to work outside the home.

Federal income and payroll taxes eat up so much family income that some families decide that both parents must work full time. Clinton would best serve families by reducing government and reforming Medicare and Social Security, thereby making it possible to further reduce the tax burden on families. Instead, he seeks to expand government, further complicate the tax code and encourage the funneling of children into day care.

Certainly the government might properly help provide temporary child care assistance for families in emergency circumstances, or while a single parent prepares for a job. That does not change the general concept that people should not have children unless they can care for them or can afford to pay someone else to care for them.

However, Clinton's proposal to turn federally subsidized child care into what amounts to a middle-class handout is bad policy. It undermines the fundamental notion that parents—not the Daddy President—should be primarily responsible for the care of their children.

THE HOLOCAUST VICTIMS REDRESS ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SANDLIN. Mr. Speaker, I rise today to lend my strong support to the Holocaust Victims Redress Act. The Holocaust Victims Redress Act will provide redress for the inadequate restitution of assets that belonged to victims of the Holocaust seized by the United States Government during World War II. We can never do enough to help end the suffering of the 125,000 Holocaust survivors living in the United States and the approximately 500,000 survivors living around the world. Many of these victims still bear the scars of the most brutal regime in history.

The United States Government seized more than $198,000,000 in German assets along with over $1,200,000,000 in assets of Swiss nationals and institutions during World War II. It had long been believed that some of the bank accounts, trusts, securities, or other assets belonged to victims of the Holocaust. Although Congress and the Administration provided $500,000 to the Jewish Restitution Successor Organization of New York in 1962 to nominally reimburse Holocaust victims, this action was nowhere near the sum of financial losses most victims suffered.

After World War II, United States support for an independent Jewish homeland was fueled by our desire to help settle the large number of Jewish refugees, displaced persons, and survivors of the Nazi holocaust. Ever since President Harry Truman recognized Israel on May 15, 1948, minutes after Israel declared its independence, the United States Government has maintained a strong relationship with Israel, the Jewish community around the world, and survivors of the Nazi holocaust. The Holocaust Victim Redress Act continues to shine light painfully on a wound that has not yet been healed.

It is important that our country continue to aid holocaust victims recover lost assets and even more important to continue pressuring other nations to completely open their wartime records so we can fully account for all lost assets. It would be easy for the United States and other nations around the globe to sweep this problem under the rug 50 years after the holocaust. However, this great nation founded under the principles of liberty and justice for all will never rest until victims of the holocaust can finally receive the justice they deserve.

TRIBUTE AND MEMORY OF THE HONORABLE EDNA KELLY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mrs. MORELLA. Mr. Speaker, on December 14, 1997, Edna F. Kelly passed away at the age of 91. Mrs. Kelly served as a Member of Congress for twenty years, from 1949 to 1969.

I did not know Congresswoman Kelly personally, but I did know her through her daughter, Maura Patricia (Pat) Kelly who works in the Clerk's office on the Daily Digest, and Jean Gilligan, a longtime friend of the Kelly family and a Hill retiree after 45 years of service.

Edna Kelly was the fifth daughter of Patrick J. Flannery, an Irish immigrant, and his wife, Mary Ellen Flannery. Mrs. Kelly, after graduation from Hunter College in 1928, married Edward L. Kelly, an attorney who was active in Brooklyn Democratic politics and later became a judge on the New York City Court.

Mrs. Kelly was one of the those pioneers who paved the way for more representation by women on the local and federal level. Her active political career began when her spouse met an untimely death in 1942. She was active in the Women's Auxiliary of Brooklyn's Madison Democratic Club. She then joined the county executive committee and became research director for the Democrats in the State Legislature. In 1949, she was elected to fill the unexpired term of deceased Representative Andrew L. Somers' vacant seat in the 81st Congress and was reelected by her constituents nine times. Her constituents affectionately called her "Kelly."

Mrs. Kelly became known as an expert in Soviet issues and became the third-ranking member of the Committee on Foreign Affairs. During the cold war she headed several fact-finding missions to Berlin, Hungary, Czechoslovakia, Greece and Turkey. Her intensive studies and reports raised our country's awareness of the threat of international Communism and the importance of NATO. She firmly opposed Communist expansion. As chair of the Foreign Affairs Subcommittee on Europe, she advanced the advantages of rebuilding a strong Europe. In 1963, President Kennedy appointed Mrs. Kelly as a member of the U.S. delegation to the United Nations. She was instrumental in creating the Arms Control and Disarmament Agency and she served as co-chair of the first United States-Canada Interparliamentary Conference.

Mrs. Kelly is known for her sponsorship of legislation creating the Peace Corps.

Mrs. Kelly's interests went beyond the international scene. She was a sensitive yet outspoken champion of those who were oppressed. She sponsored legislation to improve the economic status of American families and refugees of World War II. Her bill, the Mutual Security Act, helped to find homes for more than 1.5 million people dislocated from the Soviet Union and Europe. She also supported the civil rights legislation, the newly formed State of Israel, and pleaded for Irish unity. She denounced political and religious persecution as an indignation to humanity. She stood for peace and understanding among all people.

As the only Congresswoman in the New York delegation at that time, Mrs. Kelly was at the center of a group of bipartisan women legislators who focused their attention on the economic problems of women in their roles as homemakers, widows, and employees. The work, tenacity, and joint efforts of these Members of Congress resulted in legislation to correct discrimination in laws denying women employment, credit, housing, pensions and educational opportunity. Passage of her bill in 1963 established the principle of "equal pay for equal work" and launched a new era in the struggle for women's equality.

Edna Kelly was pivotal to the progress made by women in our country today. She will be remembered by those who knew her as a person of strong character, sharp intellect and gracious Irish charm. For those who did not have the privilege of knowing her personally, she is, in the words of her daughter, Pat, "* * * a great person to emulate."

REMEMBERING GEORGE WASHINGTON

HON. BENJAMIN G. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GILMAN. Mr. Speaker, I rise today to draw my colleague's attention to my Concurrent Resolution on the remembrance of the 200th anniversary of the death of the father of our nation George Washington. The contributions of this former farmer and member of the

Virginia House of Burgesses have played an integral role in the formation of our nation's history and culture.

Little did Washington know that those fateful shots fired in Lexington and Concord would eventually lead him down a path that would cause him to forever be synonymous with the ideas of freedom worldwide.

His reluctant acceptance of the Second Continental Congress' appointment to head the American Continental Army resulted in one of the world's greatest triumphs against tyranny. The example he displayed was used by nations around the world who desired freedom from their tyrannic rulers and oppressors. It is also important to note the pivotal role General Washington played in the drafting and ratification of the United States Constitution, which has also served as a model for other nations around the globe.

However, the most important role he may have played was as the first President of the newborn United States of America. His influence on the designs and ideals for our government was of great assistance to the formation of a system where no one body could achieve an overabundance in power. In turn his selflessness would limit his own Presidency. His reasoning was sound though, for the elimination of the possibility of tyranny in the nation he fought so hard to create.

Biographer James Thomas Flexnir said, "From the first moment in command, Washington was more than a military leader; he was the eagle, the standard, the flag, the living symbol of the cause."

The selfless bravery and astute decision making of this man helped to formulate our great nation into what it is today. That is why I wish to bring this Concurrent Resolution to the attention of my colleagues. I can think of no one person more deserving of such an honor.

I ask my colleagues to join Speaker GINGRICH and myself in approving this Concurrent Resolution, and to join me in the celebration of this outstanding human being.

CONGRATULATIONS SAMUEL A. "SKIP" KEESAL, JR.

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Ms. HARMAN. Mr. Speaker, I rise today to congratulate Samuel A. "Skip" Keesal, Jr. on his recognition as Distinguished Citizen of the Year by the Long Beach Area Council Boy Scouts of America.

Skip has dedicated himself to the local community by supporting numerous charitable and civic projects. His enduring commitment and outstanding leadership are reflected in the Boards on which he serves: the Boards of Directors for the Long Beach Area Council of Boys Scouts of America, YMCA of Greater Long Beach, and the Board of Trustees at Long Beach Memorial Hospital. His strong support of education is exemplified in his founding membership in the Board of Governors at California State University Long Beach and his support of many programs sponsored by the local schools. Further recognition of Skip's efforts include the "Outstanding Corporation" award presented to Keesal, Young & Logan, the law firm of which he is founding partner, on National Philanthropy Day in Los Angeles.

He serves on the Advisory Board of the Children's Health Fund which awarded him the "Big Apple" award for his outstanding contributions to children's health care.

Support of his profession through excellence and personal commitment also deserves recognition. As a result of Skip's trial practice, he has been named to the "Best Lawyers in America," both in civil litigation and maritime law. In 1990, he was selected as one of 500 lawyers in the world to join the prestigious International Academy of Trial Lawyers, where he sits on the Board of Directors of the Academy and the Academy's Foundation. Among other distinctions, Skip is a member of the American Board of Trial Advocates. California State University Long Beach named him "The Distinguished Alumnus" of the Business School in 1991.

Congratulations, Skip.

CONGRESSIONAL GOLD MEDAL FOR NELSON MANDELA

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. HOUGHTON. Mr. Speaker, I rise today, on behalf of you and a bipartisan group of our colleagues, to introduce a bill to award the Congressional Gold Medal, our nation's highest civilian honor, to Nelson Rolihlahla Mandela, President of the Republic of South Africa.

Nelson Mandela has dedicated his entire life to the abolition of apartheid and creation of democracy in his beloved country, South Africa. His story is familiar to us all; his impact on Members of this body and citizens of our nation—immense. This will be his final full year in office. We therefore thought that honoring him might be appropriate.

For the three decades that he was in prison, Nelson Mandela never once gave up on the struggle to free South Africans from their racist oppressors. He sacrificed his life, his youth. His daughter, Zindzi, often said that she "grew up without a father, who, when he returned, became the father of a nation." There is no doubt that he became and remains South Africa's best known and most beloved hero, a sentiment that exists here in the United States.

As President of South Africa, Mandela's dedication to his people did not cease once the apartheid laws were lifted. He refocused his efforts toward his nation's reconciliation by creating the Truth and Reconciliation Commission, Chaired by Archbishop Desmond Tutu. This Commission has been a fair, no-nonsense forum to expose an uncomfortable past in a constructive—not divisive—way.

When he accepted the Nobel Peace Prize with then-President FW de Klerk in 1993, he did so as a tribute to all people around the world who have worked for peace and stood against racism. This of course includes former South African Nobel Peace Laureates Chief Albert Luthuli and Bishop Desmond Tutu, and so many others, including some of our colleagues and fellow citizens.

Here in the United States, I think especially of our colleague, RON DELLUMS, who retires at the end of this week, as someone who fought so hard against apartheid, and worked to convince members of this body to impose sanctions on the South African government, which eventually led the events that culminated with apartheid's demise.

Our bill also specifically recognizes American student Amy Biehl, and her parents, Peter and Linda Biehl. Amy lost her life in the struggle against apartheid when she was murdered by the hands of an angry, racially-charged mob, in the Guguletu township outside Cape Town. Amy was a bright young woman, full of potential. She had traveled to South Africa to help register African women to vote. Peter and Linda are extraordinary people. When they confronted Amy's murderers last year, they showed an element of forgiveness and compassion rarely seen on this earth. They are an example to us all.

So, Mr. Speaker, I would especially like to express my thanks for your cosponsorship and the other Members who have joined us as original cosponsors—Mr. GEPHARDT, Mr. RANGEL, Ms. WATERS, Mr. GILMAN, Mr. HAMILTON, Mr. CAMPBELL, Mr. MENENDEZ, Mr. BEREUTER, Mr. PAYNE, Mr. SANFORD, Mr. HASTINGS of Florida, Mr. CHABOT, Mr. LEWIS of Georgia, Mr. DELLUMS, Mr. MCDERMOTT, and Mr. HALL of Ohio. I hope, with your help, we can assemble an appropriate number of cosponsors to move this bipartisan bill through the House and Senate—then welcome President Mandela to the United States this year and offer him this gift to recognize our immense appreciation for all he has done to rid the world of the scourge of racism.

HONORING DAVID SAMSON

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. SHAW. Mr. Speaker, on December 18, 1997, I had the pleasure of honoring David Samson at a meeting of the Concerned Citizens of Northeast Dade. Below is the text of my speech:

TRIBUTE TO DAVID SAMSON

Today I rise to honor a man who has proven himself to be a true leader in one of the most civic and politically involved communities in these United States. I am speaking of The Honorable David Samson, Mayor of Sunny Isles Beach, Florida. When Mr. Samson moved to Florida 25 years ago, he planned to retire after a successful business career in Chicago. But for a man like Dave Samson, retirement didn't come easily. He got involved in his community, became the president of his condominium, and has held that office for the past 23 years. I believe he is the longest standing condominium president in Florida's history. Dave also has been Chairman of the Citizens Advisory Committee for the Metro-Dade Police Department Station 6 for the past eight years. To

his credit, he has raised thousand of dollars to assist the police department and the families of fallen police officers.

For the past 13 years, Dave has been President of one of the most active and influential civic groups in all of Miami-Dade County, Concerned Citizens of Northeast Dade. During his tenure, Dave has improved the quality of life for residents, most of who are in their golden years. He created the Vial of Life Program for seniors in emergency situations, created programs to educate residents on hurricane preparedness, improved police protection, street lighting, and urged the formation of a much needed fire rescue unit on the beach. Under Dave's leadership, this group has also been responsible for tremendous support in "getting out the vote" initiatives for important issues and candidates they felt were worthy of their support. I have been a beneficiary of this support and feel that we have an excellent partnership working on issues that greatly affect this community such as beach renourishment and seniors' right related to adult-only condominiums. This outstanding organization is honoring Dave at a most-deserved affair to pay tribute to him as the outgoing president. I am proud to be a part of this tribute.

Ladies and Gentlemen, there's still more. At the ripe young age of 80, Dave Samson led the fight to incorporate his beautiful area of Sunny Isles Beach and befittingly became its first mayor. This doesn't surprise those of us who know Dave personally. He is truly a dynamo and a man filled with heart. Perhaps the person who knows best is Dave's beautiful wife of 58 years, Marion. They say behind every great man is a strong woman. To have endured a lifetime with a man whose career that just won't quit, I believe Marion deserves a medal.

On behalf of Emilie and myself, I congratulate Dave on his many years of dedicated service to Concerned Citizens of Northeast Dade and to the entire community who has benefited from all his tireless efforts on their behalf.

HONORING THE LIFE AND CONTRIBUTIONS OF MR. JACK ALLAN BELL

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. COLLINS. Mr. Speaker, I rise today to honor the life and accomplishments of Mr. Jack Allan Bell of Columbus, who passed away on December 22nd. His life should serve as an example to all of us who seek to serve our families, communities, states, and nation.

A son of the South, Mr. Bell was born in Birmingham, Alabama, educated at Birmingham Southern College and the University of Alabama, and spent most of his life in Columbus, Georgia, where his widow still resides.

Mr. Bell demonstrated his patriotism at a young age, serving in combat during both World War II and the Korean Conflict. Even in times of peace, Mr. Bell served in extremely dangerous positions, including piloting RB–45 reconnaissance aircraft for the Strategic Air Command (SAC). These reconnaissance missions produced invaluable intelligence information regarding Soviet defenses but also resulted in the loss of two-thirds of Mr. Bell's squadron. And as an Air Force test pilot, Mr. Bell again proved his skill, gaining certification in over 40 different U.S. military aircraft.

Following his military service, Mr. Bell made countless contributions to the Columbus community as both a businessman and a benefactor. He served as president of the Gas Light Company of Columbus, the Southern Gas Association, the Muscogee Lions Club, and the Greater Columbus Chamber of Commerce, as well as Director Emeritus for Sun Trust Bank.

As a member of the Board of Trustees, Mr. Bell was instrumental in the growth and development of the Columbus Museum and the Springer Opera House. He also was a leading force in the Chattahoochee Council Boy Scouts.

Jack Bell is and will be greatly missed in Columbus. As a father, husband, patriot, and community leader, Mr. Bell will continue to serve as a shining example of the great impact that one individual can have on his community and on his country. I am honored to have had the opportunity to represent him.

SALUTE TO COLONEL PETER A. HADLEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to salute Colonel Peter Hadley for many years of outstanding service to his country and community on the occasion of his retirement.

I have known Peter Hadley for over forty years and I can attest to his devotion to the United States and his home State of California. Following graduation in 1964 from the California Military Academy, Colonel Hadley was commissioned a second lieutenant in the California National Guard and the United States Army. He soon distinguished himself in a variety of important command and staff positions culminating in his assignment as the Director for Reserve Affairs in the Pentagon's Office of the Assistant Secretary of the Army for Research, Development and Acquisition.

During his outstanding career, Colonel Hadley received numerous decorations and awards including the Legion of Merit, Meritorious Service Medal (with two Oak Leaf Clusters), the Army Commendation Medal, the Army Reserve Components Achievement Medal (with five Oak Leaf Clusters), the National Defense Service Medal, the Armed Forces Reserve Medal (with two Hourglass Devices), and the California Commendation Medal with Pendant (with three Oak Leaf Clusters). He retired on January thirtieth, 1998 after thirty-four years of service to the California National Guard and the United States Army.

In addition, Colonel Hadley had a distinguished career with the California Department of Transportation from 1960 to 1985. He was an associate transportation engineer and a registered professional engineer in the State of California. In this capacity, he received an award for the design, development and fielding of equipment to monitor air pollution in Los Angeles, California.

I have had the great pleasure of not only knowing Colonel Hadley but also knowing his father and mother, Al and Cecelia Hadley, since I was a boy growing up in Huntington Park. Al Hadley was my Scout Leader and he had a tremendously positive influence on my life as he did on the lives of his two children, Peter and David. Both Al and Cecelia Hadley can be proud for having raised such a wonderful family.

It has been an honor to have known Colonel Hadley for these many years. During that time he has been responsible for numerous accomplishments and outstanding contributions to our Nation's defense. He will be missed greatly in both the United States Army and by all those who worked with him throughout his military career.

His innumerable contributions will serve as a legacy to his years of dedication. I want to congratulate him and wish him the very best in his retirement.

STATE OF THE UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 4, 1998 into the CONGRESSIONAL RECORD.

THE STATE OF THE UNION ADDRESS

Washington took a time out from all of the scandal talk to listen to the President's State of the Union address. This was hardly a normal State of the Union address. I've never seen the House gallery so packed with media. But everyone was on their best behavior for his annual ritual of American democracy.

The President's speech was long, about 72 minutes, interrupted by applause a hundred times. Hoosiers can take some pride that one of the special guests was a mother of four from Indianapolis who served as an example of successful welfare-to-work efforts. As expected, the President said the State of the Union is strong. He struck several themes that have now become the hallmark of his presidency: a smaller but more progressive government; an economy that offers opportunity; a society rooted in responsibility; and a nation that lives as a community. All of the 35 proposals in the State of the Union address had been skillfully crafted over the last few months while the president controlled the political environment with Congress out of Washington.

The most dramatic moment in the address was the President's stern and direct warning to Saddam Hussein: "You cannot defy the will of the world." With the increasing feeling that the diplomatic options have been exhausted in preventing Iraq from producing weapons of mass destruction, the President's words were taken very seriously by everybody in the chamber if not in the world. The President also emphasized several other international initiatives that face very tough fights in Congress. He urged us to make good on our debt to the United Nations. He urged an expanded commitment to the International Monetary Fund (IMF) to deal with the Asian crisis, arguing that this was the right thing to do for a safer world.

He renewed his plea for fast track authority to negotiate trade pacts, and urged the Senate to ratify the treaty expanding NATO.

In domestic policy, education occupied a principal place in the President's address. He wants to reduce class size in grades one through three by spending over $12 billion over seven years to hire 100,000 new teachers, and proposed programs to help modernize or build some new schools. The President also proposed a $22 billion 5-year initiative to make child care more available and affordable. He wants to use the money from the proposed tobacco settlement to finance some of these initiatives, going outside the normal appropriations process.

President Clinton said he would submit a balanced budget for 1999, three years earlier than required under the budget agreement struck last year. He proposed raising the minimum wage and asked Congress to give him a bipartisan campaign finance reform bill. And he advocated reform of the IRS, with new citizen advocacy panels, a stronger taxpayer advocate, and phone lines open 24 hours a day.

Probably the President's most important initiative is to set aside the expected budget surplus as a reserve for the long-term deficit in the Social Security system. The President did not present a detailed plan to preserve Social Security, but called for conferences around the nation to discuss the issue. He also launched a new clean water initiative and pleaded for action to deal with the crisis of global warming. He was adamant that it is possible to grow the economy and clean the environment at the same time as we have often done in the past. He said, "Discrimination against any American is un-American," and urged everyone to "Work together, learn together, live together, and serve together."

The President gave us some tantalizing glimpses of the 21st Century. The entire store of human knowledge doubles every five years. All the phone calls on Mother's Day can be carried on a single strand of fiber the width of a human hair. A child born this year may well live to see the 22nd Century. So he proposed a 21st Century research fund for groundbreaking scientific inquiry and the largest funding increase in history for the National Institutes of Health and the National Science Foundation. He urged a ban on the cloning of human beings.

At the end of the speech there was a touching moment when the President wished John Glenn Godspeed on his upcoming space trip.

There was not much doubt that President Clinton achieved one of his principal purposes, which was to come across as presidential, an engaged Chief Executive eager to move on with the national agenda. The President was disciplined, dignified, and presented a constructive agenda for the American people to consider. I left the Capitol impressed that there is too much work to do to waste a lot of time speculating about the scandals. We will simply have to let the facts unfold.

Of course, the test lies ahead, and it will take unusually skillful presidential leadership to enact even a small part of the President's proposals. It is, for example, by no means clear that he can emerge with the government's fiscal integrity intact with all of the pressures for additional tax cuts and spending increases. Using the projected budget surpluses to shore up Social Security could slow the push for tax cuts. Whatever the merits of the President's Social Security proposal, it's good to get a dialogue going on a very important problem.

The education and child care proposals are worthy, but how the President would fund them demands more examination. I am troubled by his linking domestic spending proposals to a tobacco settlement and a large increase in the federal cigarette tax. I look upon the tobacco settlement as essentially a one-shot revenue increase but not a sustained way to finance programs. Moreover, the settlement's prospects for congressional approval are very uncertain. The President's plan to extend Medicare to retirees aged 62 to 64 needs to be examined very carefully for its affordability and for the precedent it might set for a costly expansion of the program in coming years. Extraordinary presidential leadership will be needed to get the increase in the U.S. contribution to the IMF or to get the approval of Congress for fast track authority. All in all a real test of leadership lies ahead for the President.

Like most State of the Union speeches this was a wish list, but the President understands as well as anybody that he proposes and Congress disposes. Both Houses in Congress are controlled by the opposition party and the President's influence with members of his own party is limited. Congress and the President must concentrate on moving forward with the important work of the nation.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. KIND. Mr. Speaker, will 1998 be the year the U.S. House of Representatives finally considers and passes meaningful campaign finance reform? Debate on this issue is long overdue. I urge you to take the first step and open this issue for discussion on the floor.

Much of the controversy over campaign financing has to do with perception—how things might appear to the voting public. Are certain interests buying access to elected officials through campaign contributions? Are elected officials using the power of office to solicit campaign contributions, thereby perpetuating themselves in office? To some, it appears that way. I ask you, Mr. Speaker—What is the voting public's perception of your refusal to allow this issue up for debate? President Clinton has called for it. The Senate has agreed to debate it. Still, the House remains silent. The voting public—my constituents included—want to know why.

Mr. Speaker the people refuse to accept "no" for an answer.

CONGRATULATING THE RIVERSIDE COMMUNITY COLLEGE DISTRICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. CALVERT. Mr. Speaker, I rise today to congratulate the Riverside Community College District, located in Riverside, California, for their innovative education initiative, Passport to College, which makes college education a reality for the students of six school districts in Riverside County. The Passport to College program is being honored at a White House ceremony today as one of ten exemplary educational programs in the United States. The president is using this ceremony as an opportunity to demonstrate to the nation educational programs that are worthy of duplication.

In 1996, Riverside Community College District began the program working with fifth graders in the Riverside, Alvord, Corona-Norco, Jurupa, Moreno Valley and Val Verde unified school districts. If the fifth graders follow the program guidelines and graduate from high school, Riverside Community College District has pledged free tuition and fee assistance. This amounts to 12,000 eligible students participating in the program. In addition, working with local universities, the Passport to College Program has secured the commitment of La Sierra University, California Baptist College, and the University of California, Riverside to provide $2,500 a year in scholarships for graduates of the program who transfer to their schools. The University of Redlands has pledged $5,000 per year in scholarship assistance.

Today's youth are our leaders of tomorrow, and Passport to College is a model program that demonstrates what can be achieved when a community comes together. Riverside Community College District recognized a need to help children understand at a young age that college is available for everyone. All that is required is some hard work and commitment. When we hear about the poor state of education in our country, or the problems with the youth of today, think about the success of this program and the lofty goals it is working hard to accomplish. The program achieves two very important objectives by involving parents in their children's education from a very early age, and making students begin to think about the importance of college early in their academic careers.

Dr. Salvatore Rotella, President of the Riverside Community College District, Amy Cardulo, Director of the Passport-to-College program, and all of those participating are to be commended for their dedication and hard work to ensure the success of future generations. The success of this program is due to the hard work and tenacity of both administrators and students. On behalf of the residents of the 43rd Congressional District, I would like to congratulate them on the Passport-to-College program and wish them continued success in the future. They are a credit to their community, their state, and their nation.

MULTI-AGENCY AUTO THEFT TASK FORCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. TOWNS. Mr. Speaker, I would like to bring to my colleagues' attention the attached article from the October, 1997 edition of APB and place it into the CONGRESSIONAL RECORD. The article illustrates the importance of anti-theft VIN labels when used in identifying "renumbered" stolen cars.

MULTI-AGENCY TASK FORCE FIGHTS AUTO THEFT AND WINS 3M/IAATI/AWARD

A Florida multi-agency auto theft task force was selected to receive the 1997 3M/International Association of Auto Theft Investigators (IAATI) Vehicle Theft Investigation Award for an investigation that led to several federal and state indictments and the recovery of vehicles valued at nearly one million dollars.

Detective John Pierce received the award on behalf of the Dade County Multi-Agency Auto Theft Task Force at the Annual IAATI Conference August 4-8 in Brisbane, Australia, for an investigation coordinated by Sergeant Dave Rehrig. All task force members, represented by U.S. Customs, FBI, Florida Highway Patrol, Dade County State Attorney's Office, Metro-Dade Police, Miami Police, Miami Beach Police, Hialeah Gardens Police, and the National Insurance Crime Bureau, demonstrated excellent teamwork to successfully close down an organized auto theft ring.

The case was initiated when task force detectives learned of an apartment complex where several high value sport utility vehicles were being recovered on a regular basis. Surveillance of these vehicles led to the discovery of a large, loosely organized, but very professional group of individuals responsible for vehicle smuggling to South American countries. The group also had been "re-numbering" vehicles for domestic sale.

During the investigation, Detective Pierce discovered that an employee at the Port of Miami was selling lists of vehicle identification numbers (VINs) from exported vehicles that had been showing up on stolen re-numbered vehicles. This discovery, in turn, led to the recovery of several vehicles. "Almost all the cars had counterfeit labels on them," Sgt. Rehrig said. After obtaining a warrant, tools of the counterfeit VIN label operation were uncovered, which included over 150 counterfeit anti-theft labels.

The counterfeiting technique used by the subjects produced, at first blush, visually perfect labels. Investigators were able to determine they were counterfeit, however, by examining for a covert security feature and by the way the labels peeled off, leaving a paper residue pattern. "VIN labels on re-numbered cars peel right off but they don't leave a footprint like the 3M anti-theft labels," explained Sgt. Rehrig. The counterfeit labels also were discovered because they were produced on a flat paper that did not have the "window" in the middle, which is characteristic of authentic 3M anti-theft labels.

Even though the vehicles were missing their public and confidential VINs, Detective Pierce was able to prove the vehicles were stolen and make arrests by finding at least one component part with an intact anti-theft label. Several vehicles were identified using the original 3M anti-theft label which the subjects had missed when they were sanitizing the stolen vehicles.

For example, one recovered Toyota Landcruiser had been re-numbered and the thieves replaced the 3M anti-theft labels with counterfeits. The frame rail was re-stamped, and even the window glass (etched with the VIN) was changed. Despite these extraordinary measures, the subjects missed removing a single anti-theft label. "There is no question the anti-theft labels were a crucial part of the investigation," Sgt. Rehrig said.

"Vehicle identification labels are often the key to cracking vehicle theft cases," said Kevin Curry, Verification Systems, 3M Safety and Security Systems Division. "The winner of this year's award is a concrete, real-world example of the value and role that anti-theft labels play in the investigation and recovery of stolen vehicles."

According to preliminary reports conducted by the National Institute of Justice and the National Highway Traffic Safety Administration, anti-theft labels have been a significant contributor to the continued decline of auto theft in the United States since the early 1990's. The study reports that component parts anti-theft labels assist most big city and state auto theft investigators to arrest car and parts thieves and to prosecute them.

Sgt. Rehrig agrees. "The auto theft rate in Dade County dropped 17.5 percent in 1996," Rehrig said. "Furthermore, detectives have noticed a decline in the theft of Toyota Landcruisers countrywide."

Detective Pierce and the task force continue to follow-up leads from this case. To date, the case has yielded seven federal indictments, including the charging of the individual believed to be responsible for most of the overall operation of the theft organization. Four subjects have been arrested on state charges, and 38 vehicles, valued at some $906,000, have been recovered.

The 3M/IAATI award is given annually to recognize superior efforts of an auto theft investigator or team where vehicle identification number (VIN) labels played a crucial role in the investigation. "We are very pleased and proud to be selected for this award," Rehrig said.

CONGRATULATIONS TO THE NAVY NURSE CORPS ON THEIR 90TH ANNIVERSARY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. PACKARD. Mr. Speaker, I proudly rise today to recognize the men and women who have honorably served in the United States Navy Nurse Corps. On May 13 of this year, the U.S. Navy Nurse Corps will celebrate their ninetieth anniversary of dedicated service to our country.

Established by an act of Congress in 1908, the U.S. Navy Nurse Corps has played an integral role in the day-to-day medical operations of the United States Navy. Serving in both times of conflict and peace, the men and women of the U.S. Navy Nurse Corps have bravely provided the highest level of medical assistance.

Beginning as a small, dedicated collection of twenty women, the Navy Nurse Corps quickly grew in numbers to support the expanding needs of the military. During World War I, the Nurse Corps totaled over 460 regular and reserve force nurses. By the end of the World War II, the Corps had an enrollment of over 11,000 nurses. Through their involvement in the two world wars and their service during the conflicts in Korea, Vietnam and the Persian Gulf, the Navy Nurse Corps has consistently proven their ability to adapt to changing circumstances and technological advances.

I respect the dedication, innovation and professional excellence that the U.S. Navy Nurse Corps has displayed since its inception. During my years of service in the Naval Dental Corps, I was able to experience, firsthand, the hard work and commitment shown by the nurses.

Mr. Speaker, it is with a great amount of pride that I congratulate the men and women that have previously and currently serve in the United States Navy Nurse Corps on their ninetieth anniversary. The United States Navy Nurse Corps truly represent nursing excellence.

WELCOME TO REPRESENTATIVE STEPHEN CHEN OF TAIWAN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. ROHRABACHER. Mr. Speaker, I wish to join my colleagues in welcoming Representative Stephen Chen to Washington. Prior to his present assignment, he was a deputy secretary-general in the office of the President, Taiwan.

Representative Chen joined the Republic of China's foreign service early in his career and has been a career diplomat, having served in various Republic of China's embassies and consulates throughout the world. Representative Chen brings to his Washington post vast experiences and super knowledge of foreign policy issues affecting the Republic of China such as Taiwan's eventual reunification with the People's Republic and Taiwan's relations with the United States and Japan.

I wish Stephen Chen a pleasant tour of duty in Washington. These are trying times for the Republic of China's diplomats. But with patience and wisdom exercised by Taiwan's President Lee Teng-hui and Foreign Minister Jason Hu, I am confident that Taiwan will continue to be respected and recognized worldwide as a free vibrant democracy, deserving admiration from all freedom-loving people everywhere.

TRIBUTE TO MARIE BIAGGI

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Marie Biaggi, a true heroine—not one who has been heralded publicly, nor sought the fleeting fame of a celebrity—but a steadfast human being whose very being was the spiritual and emotional center of her family and whose guiding hand nurtured them in body, mind and soul.

Marie was an unassuming woman, whose strength, determination and sheer will is without peer. She was a matriarch in the most positive sense of the word—a leader in the microcosm of her family, who chose to stay in the shadows so that others could bask in the sunlight of their own accomplishments—husband, children, grandchildren, friends, academic associates and community and humanitarian activists. It was her strength that served

as a springboard for others to achieve, to be of service. It was her strength that made her a loyal friend, a good neighbor, the quintessential mother and wife.

Born in Colonie, New York on March 18, 1918, Marie came from a family of five siblings. She and her four brothers, Anthony, Gene, Jerry, and Neil, enjoyed the simple pleasures of life in upstate New York. But, in that simplicity was generated an understanding of the most profound values of human existence—love of family and friends, strong spiritual values, a pride in work, and a tenacity that would allow her to prevail when others would have long since dropped by the wayside.

When her family moved to New York City, Marie was employed at Schrifft's and, because her inner beauty was matched by her head-turning outer beauty she was also employed as a model in the garment district. As life progressed, so did her commitment move more and more away from the business world to the world of her husband, children and family.

She delighted seeing her husband of 56 years, Mario Biaggi, progress from postman to policeman to lawyer and, finally, to United States Congressman. It was her unceasing giving and constancy that provided the foundation for her husband to achieve, knowing the hearth and home were well tended. This same feeling of security and support that she gave to her children, Jacqueline, Barbara, Richard, and Mario Jr., that engendered in them the confidence to pursue successful careers in law, nursing, and psychology.

No matter what tribulation, no matter how great the sacrifice, their mother was always there. This is surely lesson to be learned by individuals from all walks of life.

As the family grew, so did Marie's desire to fulfill her personal goals—goals always born out of service to others—President and lifelong member of the Fordham Prep Mothers Club, member of AMITA, and Italian Women's Humanitarian Organization, member of the Board of Directors of the Bedford Park Senior Citizens Center, President and Member of the Columbia Association, founding member of the St. Philip Neri Assumption Society Security Patrol, and member of the St. Philip Neri Don Bosco Society—are some of her many accomplishments. Yet, while working in these volunteer capacities, she still had time at the age of 63 to graduate from Lehman College, having earned her Bachelor's degree in healthcare administration. Her motivation and grades were matched only by the warm way in which her professors and fellow students, albeit several years her junior, spoke of her.

Her achieving a college degree was the ultimate crown in a family whom she inspired and guided to academic excellence. Her reward was knowing that she had achieved her goal, yet, also knowing she had done it without sacrificing the care of her family, without compromising her ultimate raison d'etre.

When one pictures Marie however, one also has to picture a woman whose sense of purpose had a lighter side as well. Who can forget the sound of the famous cowbell ringing throughout Baker Stadium as Marie and her family cheered her son Mario on during Columbia football games? She was a woman whose New Year's Eve parties were much anticipated and filled with song and laughter; whose Columbia Association Christmas parties for policemen and their children were characterized by an overflowing sense of generosity and love; whose square dances for AMITA brought even the most sedentary to respond to the callers hoots and hollers; whose culinary talents, especially her apple pie, were committed to book form; whose joys and blessings were found in the smiles and accomplishments of her 11 grandchildren—Julio, Vanessa, Marisa, Nicole, Justin, Veronica, Alessandra, Maria, Christina, Alexis and Mario III; and whose interest in police work was not limited to her husband's career and resulted in an outstanding citizen award by the New York City Police Department when she aided in the capture of a perpetrator. Marie was a diverse and robust woman whose touch and kindness towards others transcended every level of society and humanity. Indeed, a remarkable human being whose call to greatness was in the silence of knowing who she was and in the unrelenting giving of self that marks a true heroine.

If the spirit of a person is what distinguishes them; if this is what their "essence' is, then Marie will always be with us, doing what she does best—guiding, caring, forever loving those she loves, unfettered by the limits of earthly form, more expansive, more boundless in her love and strength than ever before.

She will be missed by all those who knew her or were touched in some way by her generous, caring nature.

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, February 5, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 6

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for January. 1334 Longworth Building

FEBRUARY 10

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine incidences of indecency on the internet. SR–253

Governmental Affairs

Permanent Subcommittee on Investigations

To hold oversight hearings on fraud on the internet. SD–342

10:00 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program. SR–222

Budget

To hold hearings to review recent revenue growth in the United States. SD–608

Foreign Relations

To hold hearings on the President's budget request for fiscal year 1999, and foreign policy issues for fiscal year 1998. SD–419

Judiciary

To resume hearings to examine certain issues with regard to the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America. SD–226

Labor and Human Resources

To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America. SD–430

Special on Aging

To hold hearings on the goals that must be achieved by a reformed social security system. SD–628

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine computer security issues. SR–253

FEBRUARY 11

9:30 a.m.

Energy and Natural Resources

Business meeting, to consier pending calendar business. SD–366

Labor and Human Resources

Public Health and Safety Subcommittee

To hold hearings to examine the role of the Agency for Health Care Policy and Research (Department of Health and Human Services) in health quality improvement. SD–430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense. SD–192

Budget
To hold hearings to examine the fiscal relationship between the Federal government and State and local governments.
SD–608

Energy and Natural Resources
To hold hearings on S. 1069, to designate the American Discovery Trail as a national discovery trail, a newly established national trail category, and S. 1403, to establish an historic lighthouse preservation program, within the National Park Service.
SD–366

Finance
To resume hearings on proposals and recommendations to restructure and reform the Internal Revenue Service, including a related measure H.R. 2676, focusing on proposals to protect spouses who file joint tax returns and are held responsible for the other spouse's errors.
SD–215

Judiciary
To hold hearings to review the national drug control strategy.
SD–226

2:00 p.m.
Budget
To resume hearings on proposals to reform the national education system.
SD–608

FEBRUARY 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Winter D. Horton Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.
SR–253

Small Business
To hold hearings on proposals to reform the Internal Revenue Service.
SR–428A

10:00 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program.
SR–222

Commerce, Science, and Transportation
To hold hearings on S. 1422, to promote competition in the market for delivery of multichannel video programming.
SR–253

Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To hold oversight hearings on the implementation of the Education of the Deaf Act.
SD–430

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on the implementation of the Airport Improvement Program.
SR–253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S.62, to prohibit further extension or establishment of any national monument in Idaho without full public participation, S.477,to require an Act of Congress and the consultation with State legislature prior to the establishment by the President of national monuments, S.691, to ensure that the public and the Congress have the right and opportunity to participate in decisions that affect the use and management of all public lands, H.R.901, to preserve the sovereignty of the U.S. over public lands, and H.R.1127, to amend the Antiquities Act regarding the establishment by the President of certain national monuments.
SD–366

FEBRUARY 24

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between States Attorneys Generals and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR–253

10:00 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine incidences of foreign terrorists in America five years after the World Trade Center.
SD–226

Labor and Human Resources
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to examine the status of the visitor center and museum facilities project at Gettysburg National Military Park in Pennsylvania.
SD–366

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine whether term limits or campaign finance reform would provide true political reform.
SD–226

FEBRUARY 25

10:00 a.m.
Judiciary
To hold hearings to examine incidences of high tech worker shortage and immigration policy.
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

FEBRUARY 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Non-Commissioned Officers Association, the Paralyzed Veterans of America, the Jewish War Veterans, the Military Order of the Purple Heart, the Blinded Veterans Association, and the Veterans of World War I. 345 Cannon Building

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD–430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on oversight of the antitrust division of the Department of Justice.
SD–226

MARCH 3

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars. 345 Cannon Building

MARCH 5

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

MARCH 18

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans. 345 Cannon Building

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association. 345 Cannon Building

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion. 345 Cannon Building

CANCELLATIONS

FEBRUARY 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan.
SR–332

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

POSTPONEMENTS

FEBRUARY 5

9:30 a.m.
Veterans' Affairs
To hold hearings to evaulate U.S. biologic vaccine programs as to their impact on Gulf War veterans, and to examine lessons learned for future deployments.
SH–216