HOUSE OF REPRESENTATIVES—*Thursday, February 5, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 5, 1998.

I hereby designate the Honorable JO ANN EMERSON to act a Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Douglas Tanner, Faith and Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, who created, sustains and redeems us:

We come before You on a rainy, windy morning in this capital city, and pray that You would send a rain that cleanses our souls and a wind that enlivens our spirits.

This month we recall our history as a Nation through the lives of George Washington and Abraham Lincoln and the distinctively rich contributions of Black Americans. Grant us the grace to see it honestly, to receive who we are, and to embrace who You are calling us to become.

We dare to believe that is one Nation, under You, indivisible, with liberty and justice for all. Give Members of this House, we pray, the understanding to walk, the wisdom to lead, and the courage to legislate in such a direction. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. WHITE) come forward and lead the House in the Pledge of Allegiance.

Mr. WHITE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain five 1-minutes from each side.

THE DEVIL IS IN THE DETAILS

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

Mr. DELAY. Madam Speaker, as usual with this administration, the devil is in the details. The President's budget, carefully constructed by pollsters, is a hodgepodge of nice-sounding government programs. In fact, it expands government spending by close to $100 billion.

Now, there are two ways to pay for this additional Washington spending. One is to increase taxes, and the other is to spend any surplus.

Madam Speaker, my constituents have two messages for the President: Do not increase taxes and do not spend the surplus.

The American people do not want more government programs; they want more efficient government programs. They do not want more taxes; they want lower taxes; and they do not want us to spend the surplus.

I hope the President gets the message.

CONGRATULATIONS TO THE DENVER BRONCOS: SUPERBOWL CHAMPIONS

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

Mr. JOHNSON of Wisconsin. Madam Speaker, I rise today to pay tribute to the winners of Superbowl XXXII, the World Champions of football, the Denver Broncos.

I expected to be here discussing how the Lombardi Trophy would once again be making its home in Titletown.

That aside, let me say that this year's Superbowl left no football fan disappointed. It was a nail-biter of a game that was decided with only 32 seconds left on the clock, leaving those of us from northeast Wisconsin scratching our collective cheeseheads wondering what went wrong.

So today, I give my best version of the mile-high salute to John Elway, to Terrell Davis, and to the entire Bronco team. Congratulations on a well-earned victory. I guess those of us in Green Bay will only have to console ourselves with three Superbowl trophies, and congratulate Denver on this moment of glory.

Let me also say to the people of Denver that they are extremely fortunate to have a Congresswoman who fights as hard for her constituents as do the Broncos, the gentlewoman from Colorado (Ms. DEGETTE), a lifetime Bronco fan and, like her team, a champion.

ELECTRONIC CAMPAIGN DISCLOSURE ACT

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

Mr. WHITE. Madam Speaker, in March we are going to vote on campaign finance reform in this House. It is a very important issue but also a very difficult issue, and it is made particularly difficult because most of the bills before us are big bills that deal with the whole comprehensive issue that we have to talk about.

I have got one of those bills, and I hope that we can pass one. But just in case we cannot, today I am introducing what we might call a small bill that will deal at least with some of the problems. This bill is called the Electronic Campaign Disclosure Act, and what it does is tell the Federal Elections Commission to get into the 21st century.

It directs the FEC to establish a database on-line to search over the Internet for all the information needed about campaign finances in our country. Every campaign would have to file within 10 days a report of every contribution that it receives and contributors, and PACs would also have to file.

Madam Speaker, sometimes we cannot do it all in one step. The longest journey begins with a single step, and I think if we cannot pass a big bill a small bill like the one I am introducing today would be a step in the right direction.

HOME HEALTH CARE BENEFITS MUST BE RESTORED FOR MEDICARE RECIPIENTS

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

Mr. WISE. Madam Speaker, today is February 5, the day that up to 3,000 elderly and homebound West Virginians have dreaded. After today, Medicare will no longer pay for skilled nurses to perform venipuncture, that is drawing

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blood, as a sole reason for a home health visit.

For the 98-year-old woman living alone on a Randolph County mountain, no nurse will be visiting once a month. An 88-year-old woman who cannot get into the bathtub by herself loses both her monthly nurse's visit but also the home health aide who bathes her twice a week.

I do not believe this change was intended as part of the very large Medicare changes that were passed last year. But, in rural areas, many senior citizens who are homebound and bedbound cannot be expected to drive 25 miles to a doctor's office.

Think of the costs. People going without regular medical monitoring at home will go without the services until they are so sick that they show up at the emergency room and are hospitalized, the most expensive kind of care both for them and for society.

Madam Speaker, this Congress must act to help these people. I have cosponsored the bill offered by the gentleman from West Virginia (Mr. RAHALL) to restore reimbursements. It is a frightening day for many homebound senior citizens today. Congress must act.

CONGRESS SHOULD MOVE CAUTIOUSLY ON RESOLUTION REGARDING IRAQ

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

Mr. PAUL. Madam Speaker, in 1964, a resolution passed this Congress which urged the President to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression, the Gulf of Tonkin resolution.

Today there is a resolution floating around this Congress that urges the President to take all necessary and appropriate actions to respond to the threat posed by Iraq. We should remember history. We lost 50,000 men after we passed that last resolution. We do not have a sensible policy with Iraq. We should move cautiously.

Madam Speaker, I would also urge other Members to be cautious when they talk about a surgical strike and assassination. Assassination of foreign leaders is still illegal under our law.

I urge my fellow colleagues, please, be cautious, be careful, and be wise when it comes to giving this President the right to wage war. Ironically, this President did not respond in the same manner with the Gulf of Tonkin resolution.

ACCESS TO THE WHITE HOUSE BY COMMUNIST CHINESE IS DANGEROUS

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

Mr. TRAFICANT. Madam Speaker, while everybody in Washington is talking about a fly on our face, an elephant may be eating our assets.

Charlie Trie was indicted for illegal campaign contributions. The indictment reads: Charlie Trie helped to purchase access to high-level government officials with illegal contributions from foreign sources. Foreign sources. Chinese communists.

Think about it. Charlie Trie was not soliciting money from the Rotary. Charlie Trie was soliciting money from communist China.

Beam me up.

And while everybody may be talking about access to the White House by sexy interns and how sensational that is, access to the White House by communist China is dangerous.

Madam Speaker, I yield back the balance of any nationality sovereignty we have left.

NATIONAL TESTING IS NOT IN THE BEST INTEREST OF AMERICA

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

Mr. JONES. Madam Speaker, last year, this Congress made great strides toward keeping the Federal bureaucracy out of our children's classrooms. Unfortunately, the administration is now trying to reverse our progress and to put Federal bureaucrats back in local classrooms by implementing a national testing program that Congress has already once clearly rejected.

I have said it before, and I will say it again: National testing is not in the best interest of this country.

The key to providing America's children with the best possible education is to put control in the hands of the parents, teachers and communities, not in the hands of Federal bureaucrats who are hundreds and even thousands of miles away.

For the sake of our children, I hope those of us who believe in parents and teachers, instead of bureaucrats, will pass H.R. 2846 to prohibit Federal testing, without the authorization of Congress.

CONGRESS MUST WORK TO PRESERVE AND STRENGTHEN AMERICA'S PUBLIC SCHOOLS

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

Ms. DELAURO. Madam Speaker, in last week's State of the Union, President Clinton challenged this body to pass legislation to improve America's public schools. Democrats are eager to get to work, reducing class size, repairing crumbling schools, putting computers in every classroom.

But my Republican colleagues on the other side of the aisle are saying no. They bring unnecessary legislation today that would block national tests to ensure that every American child meets higher standards in math and in reading, that would make schools and teachers more accountable.

It is our public schools that have made this Nation strong and have put the American dream within the reach of all of our children. We should be working to ensure accountability, quality, and discipline in our schools, not passing legislation that would prevent teachers from using the tools that they need to teach our kids.

Republicans do not believe that our country and our Federal Government should have a role in education. They are wrong. I call on my colleagues to work with us to preserve and to strengthen America's public schools.

CONGRESS CONTROLS NATIONAL PURSE STRINGS

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

Mr. CHABOT. Madam Speaker, as Congress considers budget legislation this year, it might be helpful to recall a few things about our constitutional system.

Congress controls the purse strings, not the President. And for the taxpayers, it is a good thing the Republicans control Congress, because we all know what happened to spending and to the deficit over the past 40 years, the 40 years when liberal Democrats controlled the Congress.

Consider the 1980s when President Reagan was President. The Democrats controlled Congress and spent more than Reagan asked for 7 out of 8 of those years, and then turned around and blamed President Reagan for the deficits.

Think of it. Democrats in Congress refused to control spending, adding more and more big government programs each and every year, and then blamed President Reagan for the deficits.

Well, now Republicans control Congress by a slim margin and the "big spender" is down in the White House. We must reject his proposals to spend any projected surpluses and instead let us pay down the national debt and let us cut taxes.

SCHOOL VOUCHERS ARE A DROP IN THE OCEAN OF EDUCATIONAL NEED

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

Mr. GREEN. Madam Speaker, America has a commitment to public education, an education which is a requirement for our country to be competitive in this world. Public education needs

to be available to all Americans. It is not designed to educate just a few Americans. We want to educate everyone.

We should not take scarce public education funds and use it to support private institutions that only educate a few. Vouchers are the solution of my Republican colleagues to help education, but it is but a drop in the ocean of need.

Education opportunity, smaller class sizes, more qualified teachers are what America's youth need. Safer schools. We debate national tests today and vouchers. We are not seeing the forest for the trees.

Let us deal with public education with more qualified teachers, safer schools, and make sure we educate everyone and not just a few.

PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

Mr. LINDER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 348 and ask for its immediate consideration.

□ 1015

The Clerk read the resolution, as follows:

H. RES. 348

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. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation. 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 Education and the Workforce. 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 Education and the Workforce 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 (Mrs. EMERSON). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 348 is a completely open rule providing for consideration of H.R. 2846, a bill that will prohibit Federal testing unless specific and explicit statutory authority is given. H. Res. 348 provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Education and the Workforce. The rule makes in order the Committee on Education and the Workforce amendment in the nature of a substitute as an original bill for the purpose of amendment which shall be considered as read. This rule also accords priority in recognition to Members who have preprinted their amendments in the Congressional RECORD and allows the chairman to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question. These provisions will facilitate consideration of amendments. House Resolution 348 also provides for one motion to recommit with or without instructions.

Madam Speaker, this is a straightforward open rule for a straightforward bill that ensures that there will be no Federal education testing in the future without specific and explicit statutory authority. This is not the end of the debate on national testing. But simply a reassertion of the fact that any Federal testing measure must go through the proper committee process of the United States Congress first.

I have been asked a number of times, what is so wrong about national testing for America's children? This is a legitimate question. I want to explain why we are so concerned about this nationalized planning concept. First, according to the chairman of the committee and Senator ASHCROFT, the Federal Government's record in Federalized testing is substandard to be generous. In addition I am most fearful that a national testing standard would lead us down a slippery slope toward a national curriculum most certainly designed by some bureaucrat here in Washington. I dread the one-size-fits-all education approach contrived by someone who does not know the first thing about the citizens of Georgia.

This idea also gets to the heart of what we believe. We are committed to providing more freedom and less government for the American people. Education decisions belong with local school districts and families and teachers in their communities. We cannot support additional multimillion-dollar testing mechanisms that waste money and strip local control of education.

As Republicans prepare an education agenda which returns decisionmaking to parents and teachers, gives school districts more flexibility, gives children more opportunity, I grow increasingly frustrated as the President moves in the opposite direction toward a more bloated Washington education bureaucracy. We passed legislation forcing 90 percent of education spending to be spent in the classroom. Now in the President's budget, he has decided to increase the Education Department's bloated administrative budget and add $143 million in programs that would never send a dime to the classroom.

Madam Speaker, we heard arguments in the Committee on Rules that consideration of this legislation is premature and unnecessary. On the contrary, with only about 86 legislative days in this session of Congress, Chairman Goodling deserves praise for moving this important legislation through the normal authorizing process ahead of the appropriations process. This bill deals very specifically with the issue of Federal testing, and there is no better time for this House to begin consideration of this matter than today.

H.R. 2846 was favorably reported out of the Committee on Education and the Workforce as was this open rule by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of this very important bill.

Madam Speaker, I reserve the balance of my time.

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

The Republican majority seems unable to offer a positive, forward working agenda for the people of this great Nation. Instead my Republican colleagues seem to have chosen the refrain of the 1980s, just say no, to apply to any and all proposals of the current administration. And indeed my Republican colleagues seem to want to ignore the fact that they struck a deal just last fall with the same administration on the issue of national testing of fourth- and eighth-grade schoolchildren.

Madam Speaker, my Republican colleagues seek to enact a permanent ban on the expenditure of Department of Education funds for any work on the development of such testing beyond the

preliminary work agreed to last fall. Without waiting for the results of studies which are being conducted by the highly respected National Academy of Sciences, the Republicans want to just say no to the entire issue of national testing in reading and mathematics. This bill flies in the face of a carefully crafted compromise and undoes an agreement that was hard fought and hard won.

Madam Speaker, I do not want to prejudice the outcome of the studies that are now under way, studies that were agreed to by the full Congress just 3 short months ago. By doing so, Madam Speaker, I believe the Congress would be undermining the role of the independent and bipartisan National Assessment Governing Board whose role it is to oversee and assess the studies conducted by the NAS. In fact, Madam Speaker, the agreement reached last fall specifically calls for these, for those findings to be incorporated into reauthorization legislation for the testing program which will be considered this fall. Therefore, I must oppose both this rule and the bill because they break a deal this Congress agreed to.

Madam Speaker, we all want the best for our children and for all the children in this great Nation. I suggest that jumping to conclusions before the results have been tabulated is not doing the best for our kids. Why is it that my Republican colleagues are so opposed to the concept of testing children to determine if a child is keeping up with his grade level? The Republican Governor of my own State, George W. Bush, has publicly advocated the necessity of testing children for reading and math. He rightly says, and I quote, a child who can cannot read cannot learn, and to send our children through the system without teaching them to read is like sending them to Mount Everest without the tools or the training to reach the summit, close quote.

Governor Bush has advocated holding back third-graders who cannot pass a reading test and requiring that children pass reading and math tests in the fifth grade and reading and writing and math tests in the eighth grade. If the Republican Governor of Texas can advocate such testing and in fact recognizes the necessity to determine if our kids are meeting educational benchmarks, why are my Republican colleagues here in Congress so opposed to conducting a study and perhaps conducting field tests based on the results of those studies?

Madam Speaker, let me quote Governor Bush one more time. As he said to the Texas Education Association last week, "Some say tests should not matter, but I say our children are not with us long before they have to face the real world. And in the real world tests are a reality."

Madam Speaker, our children deserve the very best. The Congress has a moral obligation to ensure that the education they receive will prepare them for the very real world to which Governor Bush referred. This bill is a bargain-buster and is short-sighted and could, for all we know, shortchange our children.

Madam Speaker, while the resolution before us in fact is an open rule, it does not allow amendments which would permit the House to consider matters that would give our children access to the kind of public education we know they need and deserve.

The gentleman from Missouri (Mr. CLAY), the full committee ranking member, and the gentleman from California (Mr. MARTINEZ), ranking member of the subcommittee, oppose this bill and yesterday requested that the Committee on Rules make their alternative proposals in order. Those proposals which were rejected by the Republican majority would offer the House the opportunity to support a major school construction and renovation program as well as an initiative to assist in the implementation of locally developed public school renewal plans. Those are the issues we should be addressing today, Madam Speaker. It is the intention of the Democratic side to seek to offer those proposals by amending this rule, and accordingly it is my intention to ask for the defeat of the previous question.

Madam Speaker, I would like to suggest that this proposal does not do much for America's children. We would do much better by them by ensuring that their schools are safe inhabitable and that the programs we offer them will prepare them for life in the new century. We cannot do that by just saying no. Instead we must look for new answers. I urge defeat of the previous question.

Madam Speaker, I reserve the balance of my time.

Mr. LINDER. Madam Speaker, I yield myself 30 seconds to respond that while both the gentleman from Texas and I agree that reading is important, he thinks we should spend the money discovering they cannot; we should spend the money teaching them to read.

This is an open rule. This rule does not prohibit any amendments from coming to the floor to amend this bill. If the gentleman would like to bring amendments to the floor that are simply not germane, that is their problem, not the problem with this rule.

Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), chairman of the committee.

Mr. GOODLING. Madam Speaker, I want to correct one or two statements that were made in the gentleman's time from the other side. First of all, this legislation has nothing to do whatsoever with anything that the National Academy of Science is doing. We are the people who ask the National Academy of Science to look at existing tests and see whether existing tests as a matter of fact can be used for whatever purpose it is they want to use them. We expect to use that when they present that to us as we go ahead and reauthorize NAEPS. That is the time for the discussion; that is the time for the debate. That is the time for the amendments, when we are involved in this whole business of testing from the national level.

We as a matter of fact have made it very clear that as we review all of the testing procedures, and keep in mind we spend $30 million every year for NAEPS and NAGB, every year we spend that amount of money, but we will review what they are doing, we will review all of the testimony that we get, and then we will make a determination about this.

What this legislation does is give us the right that we have to make the determination of whether or not we want to move ahead with a national test. In other words, the President has always proposed, whomever that President is proposes, we dispose. That is our constitutional right; not only our right, that is our responsibility. All this legislation says is what the gentleman from Wisconsin (Mr. OBEY) said last fall, that we, when we authorize, will make that determination and that they do not go ahead until as a matter of fact we go through the authorizing process.

Now, Governor Bush is saying the same thing that 40 some other Governors have said. They have moved so far ahead of us when it comes to upgrading standards, they are so far ahead of us when it comes to determining assessments based on those standards, they are so far ahead of us in trying to put the horse before the cart. We are trying to do it the other way and trying to better prepare teachers.

□ 1030

That is what he is talking about. That is what all those governors are talking about. And basically what they are saying to us is what I said to the President. We are going to fool around and we are going to dumb down what these governors and their legislative bodies are doing to improve standards and the ability to assess those standards.

What I have said so many times, is we do not fatten cattle by constantly weighing them. We should not tell 50 percent of our children and their parents one more time that they are doing poorly. They want to know what it is we are going to do to help them do better.

Mr. FROST. Madam Speaker, I yield myself 30 seconds.

It is very interesting, my Republican governor often disagrees with the far right Republicans in the House of Representatives. I suppose this will go on from time to time.

Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, during yesterday's Committee on Rules consideration the gentleman from California (Mr. MARTINEZ) and myself offered two amendments that addressed urgent public education priorities. One amendment calls for a $5 billion investment to help local communities repair crumbling and overcrowded schools. The other would provide critical assistance to communities that are committed to locally driven public school renewal. Unfortunately, the majority of the Committee on Rules blocked consideration of these education measures by refusing to waive points of order against the amendments.

To me it is incomprehensible that we continue to ignore the needs of millions of schoolchildren desperately in need of our help. It is also incomprehensible to me that with all of the problems that we are facing and our school systems are facing that this silly piece of legislation would be the first one to come out of the Committee on Economic and Educational Opportunities in this session of Congress. It has nothing to do, it has no relevancy whatsoever with resolving or addressing the problems that our children are facing in the school system, and I urge my colleagues to defeat the previous question so we may address the Nation's real educational priorities.

Mr. LINDER. Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, national testing is opposed by the far right. It is opposed by the far right but not just the far right. That is quite the definition. Apparently, the conspiracy is America has now gotten to be now 350 Members of Congress. Two-thirds of America and two-thirds of the Representatives in Congress voted against this.

I hope that this resolution puts to rest this whole idea of national testing. The President seemed to have gotten confused in his State of the Union address. He said, "Thanks to the actions of this Congress last year, we will soon have, for the first time, a voluntary national test based on national standards in 4th grade reading and 8th grade math."

Did I miss something? The truth is we proactively opposed these testing standards; 300 Members of Congress. We allowed very limited development as part of the compromise but, in fact, this has been taken that they are going to go ahead when that is the opposite message that we sent, which is why we are here this morning.

The idea that we had a compromise that somehow is going to move national tests means anybody did not read the details of the language. The fact is the specifics in that language are self-contradictory. It is dead as a doornail. We cannot satisfy both the minority concerns and those who want to measure.

We have restrictions in there that the tests cannot be biased. Quite frankly, that has been lodged against every test, and if that is the criteria these tests cannot go ahead. We have restrictions in there that it cannot be used for promotion. If it cannot be used for promotion and those type of things, what value is the test to the others?

There are self-contradictory things in one section and another in the restrictions we put on to kill it. It was a face-saving compromise. It was not a compromise to move ahead on national testing.

Now, why do so many people oppose it? Conservatives oppose it, minorities oppose it, teachers oppose it. And here is why. Conservatives oppose it because parents and local school boards believe they should make these decisions.

We want standards in our schools, we want standards on our teachers, but we do not want them in Washington. We do not want a national curriculum developed in Washington. It scares us to think that Congress and the President are going to control the curriculum.

Furthermore, this affects home schoolers. It affects private schools. Because if we want to move our kids back into the public schools, all of a sudden we have to be teaching to the tests they are taking in the public schools, which they will do, as the chairman pointed out, teach to test.

Minorities are justifiably concerned because it can be skewed against them, one, depending on the content of the test but, secondly, how it is used and how it makes inner city schools stack up against suburban schools or marginal schools. And parents then move around districts and businesses locate by that. That is something state and local people need to work through, not the Federal Government biasing people against local schools.

My daughter is in college right now studying to be an elementary Ed teacher. A lot of the reasons teachers oppose this is they know there are a lot of reasons other than what is right in front of them and what they are teaching that lead to the scores of their students. Yet if we publish these scores, particularly if it is a national standard seen as some kind of litmus test for every teacher in America, those teachers are going to be very reluctant to go in the schools where we need them most. This is a death warrant, a death certificate potentially on the schools that we most need our best teachers.

Now, lastly, do we really want a test under the control of Congress? It is laughable to think that we are going to improve our educational standards in America by having a national test subject to politicians, whether it is the President of the United States or Members of Congress.

The truth is when history standards were developed Congress, House and Senate, overturned those history standards, I believe lousy history standards. We have math standards being floated that are both insulting and simplistic and stupid. Now, if those math standards go ahead, we are going to overturn those math standards.

I happen to be a creationist, many people are evolutionists. Do we really want to have that debate on science here in Congress as to these kind of tests? The idea that we will have an independent board at a national level that we are authorizing and we are not going to have control over things that are contradictory is silly. I think it is a devastating analysis in the end to put politicians in Washington in front of what is in the best interest of educating students at the local level.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, Democrats are ready to address the problems facing our public schools: To reduce class size, repair crumbling buildings and put computers in the classroom. We are prepared to go to work to raise standards and prepare our children for the challenges ahead.

Unfortunately, my Republican colleagues are not addressing the real issues facing our schools. Instead, they bring unnecessary legislation that blocks voluntary national tests, an important tool which can be used to ensure that every child can read, write and do basic math.

Parents across the country share my belief that these are very minimum standards to which our students, our schools, our teachers must be held accountable. Parents want higher standards. They want their children to succeed. Parents deserve an objective, reliable measure of how their children are doing in school and how well their schools are preparing their children. Parents and indeed all of us taxpayers deserve to know that our local schools are meeting our national expectations.

Madam Speaker, this issue was resolved last year during the appropriations process. The bipartisan agreement calls for test development to go forward and for the National Academy of Science to study what type of test might work best for all of our kids.

Republicans in this Congress, as their nominee for President last fall articulated, do not believe that our country and the Federal Government should have a role in education. That is why they are backing out of the agreement.

The American people do want to have higher standards that they want their children to be able to meet in fact so that they can succeed in life and to

have the opportunities as early as possible. We should vote against this legislation that works against our young people. We need to make education work for all children in this country.

Mr. LINDER. Madam Speaker, I yield myself such time as I may consume to point out it is not us backing out of the agreement, it is the President and the Secretary of Education backing out of the agreement.

Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Madam Speaker, I want to thank the gentleman for yielding me this time. I rise in support of H.R. 2846, a bill prohibiting any new Federal testing without specific congressional authority.

Let me first say that we do not need another achievement test for our Nation's students. Let me name a few of the tests we already have in existence. The Stanford Achievement Test, the Iowa Test of Basic Skills, the Comprehensive Test of Basic Skills, the National Assessment of Educational Progress, known as NAEPS, and the Third International Math and Science Study, known as TIMMS. Again, these are just a few of tests currently used to assess student performance.

So let us focus now for a moment on TIMMS. It is the largest study of educational achievement undertaken so far. There are 45 countries participating. Five grades are assessed in two school subjects, and approximately one million students tested in 31 languages. Through this study we already know how students in this country are performing in math and science, so why do we need another math test?

In July of 1997 the results of the TIMMS 4th grade math and science test were announced and we found out that American students scored about average in both math and science when compared with other countries. However, we found that students in six countries, Singapore, Korea, Japan, Netherlands, Czech Republic, Austria and Hong Kong did better than the U.S. students in math in the 4th grade.

Also in November of 1996, the TIMMS report showed that United States 8th graders were performing slightly above average in science but slightly below average in math.

Madam Speaker, the point is that we already know how American students are stacking up in these subjects and there is no need to spend more money on another test aimed at the same students, as proposed by the President. The money and the effort involved in conducting another test could better be used to improve our educational system and help students achieve academic excellence.

Now let me ask that we vote for the previous question and the rule.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Madam Speaker, I am going to ask all of our Democratic colleagues to vote against the rule and vote against the previous question, because I really believe we are wasting our time here.

The gentleman from Missouri (Mr. CLAY), the ranking member on the committee, and I went to the Committee on Rules yesterday and offered two amendments that would really do something for the children in our schools across this Nation. They were rejected as nongermane. I guess that is the prerogative of the majority in the Committee on Rules, but let me say why I believe we are wasting our time here.

I supported the bill of the gentleman from Pennsylvania (Mr. GOODLING) when it came before us the last time, and that bill ended up in the labor HHS appropriations and was sent to conference. And during that conference there was a great controversy over whether that should remain in the bill, and the President, of course, wanting national testing, stood stiff and strong on it.

A compromise was made. An agreement was made. And in that agreement there was offered three studies which we were going to have the benefit of before we made any decisions on this side. But it was agreed that no money would be expended for field tests or deploying the test. In the act itself it recommends, as it was agreed to by both sides, it recommends that NAGB, who has exclusively rights to develop the test, would do certain things by certain dates. And that is all NAGB is doing.

I understand the concern of the gentleman from Pennsylvania (Mr. GOODLING) is that they are moving ahead too quickly and that this may become a reality, contrary to his wishes. As I said before, the gentleman from Missouri (Mr. CLAY) and myself supported the gentleman from Pennsylvania, and we did so because we had some questions about whether this expenditure of monies was the wisest or not.

The fact is we still have that question, but we were just as pleased that in the agreement there was a chance to provide studies to prove to us one way or the other whether they were needed or not or whether they would do any good or not. I think we should stick by that agreement.

I do not think that the administration is reneging on the agreement. I think we are now, when we try to push forward this bill in order to nail closed the barn door in order to make sure no horse gets out at all, not even one that would give us the knowledge we need to determine whether or not we need to proceed with those tests.

So I for one would ask all my Democratic colleagues to remain strong and stiff and resist this bill. This bill has been passed once already. There was a compromise in the conference and, as a result, all sides are proceeding according to that conference agreement, and I think we ought to abide by it.

This resolution will allow H.R. 2846, a bill to ban national testing, to come to the floor under an open rule. However, this rule, while being deemed "open," will not allow us to have a substantive discussion on the education issues of great concern to the American people—school construction and renewal of our neighborhood public schools.

Members who are listening to this debate may question why I am asking for consideration of such initiatives as a part of our discussion on this legislation since it is solely directed towards testing. I want to point out to the body that our committee and this House has had little opportunity to debate the real pressing educational needs of our country. Instead of considering measures to respond to our crumbling schools and efforts by our local communities to raise academic achievement, this House has considered legislation to authorize vouchers and block grants. These Republican-sponsored efforts are aimed at producing good sound bites for the 6 o'clock news rather than producing good public policy.

Ladies and gentlemen, these are not the answers America is looking for from its leaders.

Yesterday, during Rules Committee consideration of H.R. 2846, my good friend BILL CLAY and I asked that two separate amendments, dealing with local public school renewal and school construction, be made in order under the rule. Because these amendments are not particularly directed toward national testing, it was deemed that their consideration today was unnecessary.

I believe that if you ask the American people today whether we should be engaged in partisan wrangling over national testing or considering real measures to advance our children's educational opportunity, their support would be for the latter. I urge Members to defeat the previous question so we can have a real substantive debate on the educational needs of our Nation.

Mr. LINDER. Madam Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Madam Speaker, I thank the gentleman for yielding me this time.

Why are we doing this bill? That is a good question. A lot of what the gentleman from California (Mr. MARTINEZ) said I agree with, about the substance of the bill. The reason I think we are having to do the legislation now is because the President and the administration has not taken the results of our agreement seriously and there is a constant state of spin. Everything has to be spun.

The truth cannot be announced that when he sent a bill over here to create another national test, 295 Members of the House said no, not a good idea, Mr. President, for a variety of reasons. Two hundred ninety-five Members of the House is a veto-proof vote.

Why were we so upset with this proposal and why did we support the Goodling amendment that stopped it in its tracks? There is a lot of reasons. If one

is in a minority community, an inner city, where parents have a hard time getting their kids into a quality school, and we do a national test, those kids are going to do a lot worse on the test than somebody here in the suburbs of Washington. We already know that. We do not need to stigmatize those kids any more.

□ 1045

It is $100 million. That bothers some of us, that we are going to spend $100 million to develop yet another national test on the top of the ones that we have. So we said no overwhelmingly to the President. But every time he got to speak, the spending would reflect that he just could not get his way on this issue.

I thought the agreement was a good agreement, the slowdown, stop, no field testing, no pilot programs. We have done nothing in this legislation to prejudice the studies, to look at the existing tests we have so we can get some useful information out of it. This bill does not prejudice those studies that this House and the President agreed on.

The President said in the State of the Union, "Thanks to the actions of this Congress last year, we will soon have for the first time a voluntary national test based on national standards in fourth grade reading and eighth grade math."

That is not true. That is not what we agreed to. On the website for the Department of Education, they are advertising the implementation of a national test that Congress said, whoa, stop, slow down, no go. We are not going to give you the money. This is about keeping your word.

We need a legion of lawyers, apparently, to do a deal with this other crowd down the street. And that is very disturbing to me. I understand that many of my colleagues that voted for us are going to vote against it because they feel like they have to support the President.

The truth of the fact is that this agreement that we all worked so hard to get, a lot of hours spent by the gentleman from Pennsylvania (Mr. GOODLING) and others, handshakes were had; and it is in the law now not to implement a national test that Congress said is okay is being violated by the Department of Education. And every time the President speaks, he is denying that agreement.

That is what this bill is about, and that is why we are having the vote 2 weeks into that Congress to put us back on track, and we do need a legion of lawyers to do a deal with this guy.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Madam Speaker, by "this guy," I think my colleague is referring to the President of the United States. Is that correct? So I would hope that after yesterday, when we named that airport for a former president, it is obvious that he will continue to respect the current president that was elected in 1992 and reelected in 1996, instead of just referring to him as "this guy."

Like a lot of my colleagues, Madam Speaker, I am not particularly thrilled about a national test. We have lots of State tests and everything else. But this bill is so premature I think it is ludicrous.

The number one concern of America's people is improving our Nation's schools. Americans are concerned about school children being required to attend classes that are overcrowded, school facilities that are falling down, schools that are not being held to accountable results. And yet, what do we get? The first bill out on education is to prohibit a national test.

I do not want a national test. The first bill we ought to do is say, okay, how can we fix the public schools instead of stopping the national test? Instead of bringing bills forward that address these critical concerns, we are seeing this bill today.

Nothing can happen on a national test until this Congress approves it, whether it be reauthorization or whether it be some other agreement. This bill is a waste of our time. We ought to be spending more time talking about fixing public education instead of this bill and talking about vouchers that supposedly are going to save everything. This bill is completely unnecessary, and it is an attack on our bipartisan agreement last year.

Why are my Republican colleagues wasting this time in the House? One of the reasons is that they do not have anything else to do. But the answer is that the Republicans, my colleagues, do not really have a pro-education agenda. They do not really want to fix overcrowding. They do not want to put more qualified teachers in the schools. They do not want to fix it to make sure that the schools are safe. They do not want to work with the States and the local communities to make sure education is a national concern and a national issue.

But it is really local folks in the school districts in our States who do most of the work. But we need to be the ones that say, hey, let us help.

Prohibiting a national test is, again, a waste of time. Many educational reforms, such as reducing the class size, building safer schools, training more teachers are much more important than some straw person that we are throwing up here, "We are going to fight a national test."

Again, there is not a demand for a national test. Last year, we had almost 300 Members of Congress, and I was one of them. I do not mind a voluntary national test that says, okay, State of Texas, you have lots of tests. But this is what we would like to do. See if we can correlate those tests. Let us do it. But it is voluntary.

That is what that agreement called for, and that is what I hope the Department of Education is working for. This bill is a make-work legislation. It does nothing to make education more effective or better.

Mr. LINDER. Madam Speaker, I yield another 1 minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Madam Speaker, I was just amused that we ought to spend more time fixing public education.

First of all, in many areas of the country it ain't broke; and they prefer that we do not try to fix it. And, in other areas, we spent 35 years trying to fix it; and we messed it up royally. So I think we better be careful about how much knowledge and how much one-size-fits-all from Washington goes in relationship to improving academic achievement of our students.

We will have a lot of discussions on how we do that in the committee. We will have suggestions. We will have ideas. We will have legislation. All we are trying to do at the present time is say, there is a procedure. The procedure says that the Congress of the United States determines the direction we should be going. Only the President can suggest and recommend. All we are asking is give us what is our right and our responsibility, and that is to determine how this test should be put together. If this test should be enacted at all, the Congress makes that decision.

Mr. FROST. Madam Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLAY), the ranking member of the committee.

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding.

I just want to refute the statement that is continually made on the other side that the Democrats are violating a bipartisan agreement. Madam Speaker, the only agreement that we have was that in the appropriations bill passed last fall.

The appropriations bill agreement made two points. One, it made the National Assessment Governing Board responsible for development and administration of the test; and, two, it gave the National Academy of Science the obligation to conduct a series of studies that would help to inform future deliberations by this Congress.

If this bill passes, it will undermine the NAGB's role and prejudice the finding of the National Academy of Science. The bill that we passed only prohibited the use of 1998 fiscal year funds to field tests to administer or implement any national test. Fiscal year 1998 ends September 30th of this year. So this bill would preclude any testing. We are not in violation of the agreement; they are.

Mr. LINDER. Madam Speaker, I am not sure we are going to settle that violation question here today. But I yield 1½ minutes to the gentleman from Texas (Mr. PAUL) to try.

Mr. PAUL. I thank the gentleman for yielding.

Madam Speaker, I rise in support of this rule; and I support H.R. 2846, which forbids the use of Federal funds to develop or implement a national test without explicit authorization from Congress.

Supporters of protecting the United States Constitution from overreaching by the executive branch should support this bill. The administration's plan to develop and implement a national testing program without Congressional authorization is a blatant violation of the constitutional doctrine of separation of powers.

However, support of this bill should in no way be interpreted to imply that Congress has the power to authorize national testing. Education is not one of the powers delegated to the Federal Government.

As the 9th and 10th amendment makes clear, the Federal Government can only act in those areas where there is an explicit delegation of power. Therefore, the Federal Government has no legitimate authority to legislate in this area of education. Rather, all matters concerning education, including testing, remain with those best able to educate children: individual States, local communities and, primarily, parents.

I therefore urge my colleagues to vote for H.R. 2846 which stops the administration from ultimately implementing national tests and oppose all legislation authorizing the creation of a national test. Instead, this Congress should work to restore control over their children's education to the American people by shutting down the Federal education bureaucracy and cutting taxes on American parents so they may better provide for the education of their own children.

Mr. FROST. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Madam Speaker, let me explain something very clearly. In the agreement that was made and in the law now, no test can be conducted without the authorization of Congress. That is in there. In fact, in its planning stage with what is authorized in that agreement, they have changed the date. They have renewed the contract, changed the contract. The contract had already been let by the administration because they thought they had the prerogative to do that.

And NAGB then, when they were given the sole responsibility for this, not the responsibility of education as my friend from South Carolina says, but NAGB was given sole authority, and, in doing so, they called back the contract and renegotiated the contract.

They have the option now under the law and the agreement as it was made to terminate that contract at any time, at any time upon the authority of Congress or on Congress deciding whether or not they should proceed. This is doing it without the benefit of the three studies that was also included in that agreement to give us a chance to really look at the merits of national testing.

Mr. LINDER. Madam Speaker, I yield 1 minute to the gentleman from Arizona, (Mr. SHADEGG).

Mr. SHADEGG. Madam Speaker, I thank the gentleman for yielding time to me.

With all due respect to my colleague on the other side, I am afraid he does not read carefully the agreement which occurred last year. The legislation which addressed this issue was an appropriations bill. It cannot authorize. Appropriations acts cannot do that.

In the appropriation bill, it said specifically, no funds in this legislation may be used to implement or field test a national test. But I think listening to the debate, it is clear that we are missing some issues here.

Some of us believe strongly in education but strongly oppose a national test. Let me tell my colleagues why. Because if they go across America, as I have done and others have done on the Committee on Education and the Workforce, they discover that schools work where parents and teachers get involved, where they have possession of the curriculum, not where the curriculum is dictated by a national test.

But, for purposes of this debate, that is not even the issue. We can indeed, with the passage of this legislation, debate whether or not a national test dictated from Washington is a good idea. This bill lets the Congress do that. This bill gives us a chance to get into the merits of a debate of whether a national test crammed down the throats of the American people is the best thing for the American children.

I urge the passage of this bill.

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

Madam 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 make in order the amendments offered in the Committee on Rules by the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. MARTINEZ), the Public Schools Renewal and Improvement Act and the School Construction Act. These are the kinds of programs we need to improve in order to improve our public education.

Vote no on the previous question so we can consider these two worthy legislative initiatives to improve the quality of our public schools.

Madam Speaker, I include the following for the RECORD:

PREVIOUS QUESTION FOR RULE ON H.R. 2846 TO PROHIBIT SPENDING FEDERAL EDUCATION FUNDS ON NATIONAL TESTING

TEXT:

At the end of the resolution add the following new section:

"Sec. 2. One amendment offered by Representative Clay of Missouri and one amendment offered by Representative Martinez of California each shall be considered as read, shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against an amendment offered under this section are waived.

The majority argues that our attempt to defeat the previous question is futile because our proposed amendment is not germane. The fact of the matter is that the chair has not made a ruling nor heard our arguments as to the germaneness of our amendment. The only way to make that determination is to allow us to offer the amendment by defeating the previous question.

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.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

I ask unanimous consent to insert material in the RECORD at this point.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-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 rule, or yield for the purpose of amendment."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

Madam Speaker, at this point, I would like to urge all of my colleagues to vote for the previous question and for the rule. This is the third rule we have had on the floor in the second half of the 105th Congress. All three of them have been open rules, allowing any amendment in order at any time.

What the gentleman from Texas would like to do is create a political issue, to say, if you vote against the previous question, you are voting against schools construction when, in point of fact, they are not germane to the bill. They have nothing to do with testing.

Even were he to win his previous question vote, those amendments would continue to be ruled out of order for lack of germaneness. So I urge my colleagues to see through this little bit of a game. Vote for the previous question. Vote for the rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. 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. FROST. Madam 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 of clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 185, not voting 25, as follows:

[Roll No. 8]

YEAS—220

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
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
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)
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
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
Ramstad
Redmond
Regula
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
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—185

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
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
Dooley
Doyle
Edwards
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
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
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—25

Becerra
Blumenauer
Burton
Chenoweth
Doggett
Engel
Eshoo
Gonzalez
Hall (OH)
Herger
Johnson, Sam
King (NY)
Klink
Largent
Markey
McKeon
Neal
Pomeroy
Radanovich
Riggs
Rogan
Schiff
Stupak
Taylor (NC)
Visclosky

□ 1121

Messrs. WYNN, MURTHA, KLECZKA and TAYLOR of Mississippi changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

The SPEAKER pro tempore. Pursuant to House Resolution 348 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. 2846.

□ 1122

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. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation, with Mr. EWING 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. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, about a year ago, President Clinton announced his proposal for a Federal test in fourth grade reading and eighth grade math, and the White House and the Department of Education relied upon a little-known program, the Fund for the Improvement of Education, for their authority. Yet, nowhere, nowhere in the Fund for the Improvement of Education is there specific or explicit authorization for the President's national tests in reading and math. Nor was the program ever intended as a justification for national tests.

A few years ago, the predecessor to the Fund for the Improvement of Education specifically and explicitly provided for "Optional Tests of Academic Excellence." However, the majority at that time in 1994 changed all that. That testing language was purposely removed by Congress in the Improving America's Schools Act of 1994. It is now clear that there is no current specific or explicit authority in the Fund for the Improvement of Education or any other statute for implementing the President's national tests.

When the testing issue was put to vote last Congress, nearly 300 Members voted against national testing, including many Members from both sides of the aisle. I realize that is diminishing because there are all sorts of pie-in-the-sky promises, and therefore, the vote will be different. That is obvious.

The final result of the appropriations activities last year was to prohibit pilot testing, field testing or any implementation or administration of the tests in 1998. Limited test development activities could go forward, because they already put up $17 million, but what happens beyond 1998 was never addressed.

Despite the appropriate language, the White House and the Department of Education continue to represent to the public that testing will automatically go forward in future years, even without any action by Congress. That is wrong. No decision has ever been made by Congress about testing policy in the fiscal year 1999 or any other time thereafter.

Now, at the November 13, 1997 signing of the appropriation bill, the President said, "For the very first time, Congress has voted to support the development of voluntary national tests to measure performance in fourth grade reading and eighth grade math. The tests will be created by an independent, bipartisan organization and will be piloted in schools next October 1998." 1998.

Just last week the President reiterated in his State of the Union address, and at that time the President said, "Thanks to the action of this Congress last year, we will soon have, for the first time, a voluntary national test based on national standards in fourth grade reading and eighth grade math."

Again, the point is that the Congress has made no decision about Federal testing in 1999 or future years. That was never even talked about. In addition, beginning in November of 1997 and continuing through January of 1998, the day of our markup last week, the Department of Education's website represented to the public that pilot testing would in fact take place beginning in the fall of 1998.

□ 1130

Here is how the web page read at that time: "The bill, [PL 105–78] provides full funding to proceed with immediate development of the first-ever voluntary national test in fourth grade reading and eighth grade math . . . The bill permits pilot testing to begin in fall 1998."

Never, never did any Congress ever say that that is what is going to take place. That is a decision that we as a Congress will make, not the President of the United States.

On the very next day after our markup, the Department changed the year for pilot testing from 1998 to 1999. Well, I know why. We all tried to tell them they cannot get a test that is going to be valid, worth anything, in less than 3 to 5 years. So NAGB, of course, redid the contract and rebid the contract and told them here is what we have to do.

We also found out a day after the markup that the display now says on their web site, "The first pilot tests are scheduled for the fall of 1999, and the first field tests in the spring of the year 2000."

Again, what I am trying to point out is there is no agreement about 1999, the year 2000, or any time thereafter. That is the only point we are trying to make in this legislation. It is our responsibility. The Congress of the United States, to make that determination.

Mr. Chairman, let me tell my colleagues who probably gave us the best argument for slowing down this train. It was the minority members on my committee. The minority members on my committee during markup gave us all the reasons why we should slow down this train. What did they say during markup? There were those that were concerned about tests being used for tracking. There were those who talked about we are concerned about language barriers in tests. There were those who said how are the tests going to be used? Are they going to be used to compare schools, children, et cetera? There were those who were concerned about who determines the content.

All of these things came up during the debate when we were marking up this legislation. And what did I say to them? I said, "Well, let me ask you, did the Secretary call and ask you for any input on how they were putting this test together?" Total silence.

Then I said, "How about the contractors, did the contractors call you and ask you to give input on how they are putting together these tests?" Total silence.

And then I said, "Well, how about NAGB? Have they called and asked you for any input in what they are doing?" Total silence.

And, of course, that is the whole purpose of this piece of legislation today; to give those people who were asking those questions an opportunity to participate in any kind of development. To make sure that their concerns that they had, legitimate concerns, are realized and that they are understood.

But if we do not do what we are going to do today, they get no opportunity to participate in any way, shape, or form, it is a done deal. And so we get 300 math professors who say, wait a minute, they are moving in a way of constructing a test that really is not the best way to teach mathematics. We have reading people saying is the reading test dealing with phonics? Is it dealing with look-see? Is it dealing with any other kind of programs that may be out there, whole language? They need to have answers to those questions.

My colleagues on the committee have to have answers to those questions. My colleagues who are on the minority side truly need to have answers to those questions.

The only way they get to participate is if we, as a matter of fact, accept this legislation today so that we become the players, the Congress of the United States, in determining what goes forward as we reauthorize NAEP and NAGB this year, we look at the whole picture.

Now, there are some who say this would jeopardize what the National

Academy of Sciences is doing. It does not have anything to do with what the National Academy of Sciences is doing. As a matter of fact we will take what they do. They are due, I believe, June 1 with their report. That will be considered. It does not interfere with anybody out there who has any kind of input they want to put in.

Mr. Chairman, all it says is: Hold it, administration. The decision is made here in the Congress of the United States. Constitutionally, it is our authority. Constitutionally, it is our responsibility.

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

Mr. CLAY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am very disappointed that we find ourselves debating this bill today. With all the problems facing our schools, overcrowded classrooms, crumbling buildings, teacher shortages, it boggles the mind to see that the first bill passed out of the Committee on Economic and Educational Opportunities this year is one as petty as this one.

It is designed as a political ploy to embarrass Secretary of Education Riley and President Clinton. There is no reason to act on this bill today. The fiscal year 1998 Labor HHS Education Appropriations bill is very clear. It prohibits the use of 1998 fiscal year funds to field test, administer, distribute or implement any national test. The appropriations bill also requires three separate studies by the National Academy of Sciences, which are due later this year.

This proposal fails to address a number of issues of critical concern to parents, students, teachers and schools. And I ask some questions, some very basic questions that this Congress ought to be asking, that our Chairman referred to in his opening remark:

Will a national test accommodate students who have limited English proficiency or disabilities? Could the test be used for high stakes purposes such as tracking, funding reductions, grade retention and graduation thresholds? How will civil rights protections be ensured in the development, use, and administration of the test? How do we weed out bias and discrimination in the content of a national test? And most importantly, will those students who fail the test be provided significant new resources to ensure that they will have real educational opportunities?

These are legitimate concerns and legitimate questions that this Congress ought to answer. But if this bill passes, the sponsor of this bill will preclude the Congress from ever acting in these areas.

Mr. Chairman, we should act to resolve these and other serious questions about national testing in a measured, deliberate way during this year's reauthorization of the National Assessment of Education Progress, and the National Assessment of Governing Boards.

Mr. Chairman, with so few days in this legislative session, it is critical that the House act wisely and constructively on urgent education priorities. We should be passing legislation to repair our Nation's crumbling schools and overcrowded schools. We should be initiating legislation calling for reduced class sizes and stronger after-school programs. This bill does nothing to address these critical needs. Therefore, Mr. Chairman, I urge its defeat.

Mr. CLAY. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding, and I agree with the gentleman's statement.

Mr. Chairman, this bill seems to follow in the footsteps of Forrest Gump. That is that it seems to be in a state of denial. I am not qualified to participate in this debate, because I have taken educational measurement courses and have taught secondary school for about 10 years and I do not find much of a discussion that is connected to the real world of education or testing.

I think maybe following the logic in this bill we ought to ban all testing, because they are imperfect instruments. And the issues being raised in terms of problems are not unique. In fact, there is a body of knowledge that for 100 years has gone on with educational measurement that has tried to address these issues and perfect the ability to utilize reliable and valid instruments.

Mr. Chairman, I commend Members of Congress for taking this on in a few hours today in resolving this problem in favor of not having banning national tests. That way nobody will know what they are receiving and whether or not they are attaining the educational goals and we will all be happier for it; just like the character Forrest Gump.

Mr. CLAY. Mr. Chairman, I thank the gentleman for his comment, and I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA) a distinguished member of the committee.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the bill offered by the gentleman from Pennsylvania (Mr. GOODLING), and also in support of his statement. I want to associate myself with the gentleman's remarks.

Mr. Chairman, as a member of the authorizing committee, I believe it is not only inappropriate, it is also wrong for the President to use any funds on a program that has not been authorized by the relevant committee, the Committee on Education and the Workforce.

If we do not pass this bill today, we will be allowing the President to circumvent our committee and that action would mock the fundamental constitutional separation of powers principle.

Despite the fact that the administration has no specific or explicit authorization, the President has already put the Department of Education on a track to develop and implement these tests automatically without our authorization. I do not understand this.

Until Congress has the opportunity to review the proposal, no action should be taken. Congress must and should act to look into any national testing proposal and whether such an idea is a good test or not. I do not believe it is a good way of spending Federal dollars, but that is really beside the point of this debate right now.

Mr. Chairman, I do want to say and advise our colleagues here that we already have numerous tests, including two federally funded testing programs. The first, the National Assessment of Education Progress, and the other, the Third International Mathematics and Science Study, not to mention all the State programs.

Additional Federal dollars, and I want my colleagues to understand this because we are under very strong restrictions about Federal money and where it is coming from and where it is going, additional Federal dollars should be better spent improving our schools and the education of our children. We should be spending those Federal dollars, limited as they are, in the classrooms on programs such as Head Start and Early Start and teacher preparation.

Additionally, in my opinion, the national test would inevitably lead to a de facto national curriculum, but that is one of the discussions we should have and the debate when the committee discusses and really evaluates whether or not there is any merit to a national testing program.

But I even have a greater concern, and all of us know it, and I actually think the ranking member made an indirect reference to this, there is a question as to whether or not a national testing program leads to teaching to the test. There have been all kinds of studies done about the limitations of testing and to what extent teaching to the test will really obscure proper educational goals.

So there are all kinds of reasons why we should be having an appropriate national debate through the committee of authorization on this subject. And no money should be spent without the authorizing committee's action on this issue.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, last fall, Members of Congress from both parties worked with the administration and drafted a bipartisan agreement on what we could and what we could not do regarding national testing. Since then, there has been no evidence that the administration or any of the agencies named in that agreement have broken the agreement. Yet here we are, Mr. Chairman, not 3 months later, after putting the agreement together, debating again the development of national tests.

I cannot help but believe that this legislation is motivated more by political urgency than by any real need. I hope that my colleagues will join me in putting the partisan politics aside. Vote "no" on H.R. 2846 and let us get to work on what we really need to do on reducing crowded classrooms, training more teachers, building new schools, and helping all of our children achieve high standards.

□ 1145

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), another member of the committee.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

I think we have a tremendous disconnect in the reality of education in America today which concerns me a great deal. And that is that we have studies that show that the ultimate consumers in terms of what happens to the education product, if you want to phrase it that way, the colleges and the workplace all say the kids are just not doing as well as they should, that education is not where it should be. But if we look at polls on how our schools are doing on a local basis, we will find that parents and others say, gee, they are achieving at an 80 percent level or whatever it may be be. We just do not find that to be the right answer out in the workplace.

I am one who believes that we need some sort of national comparison. I am not sure if we need a national voluntary test or not, and for that reason I am going to support the legislation. I do not think that this legislation has gained adequate support from families and educators in the States or Congress yet, and the National Assessment Governing Board, on which I actually served for a couple years, has recommended that the test be delayed until 2001. And the administration wants to move it up. Tests cannot be done that rapidly. They are very difficult to do.

But having said that, I do not come down on the side of those who say that we need no testing at all. I would hope that in our looking at reauthorization of NAGB and NAEPS later this year that we look seriously at that question. I will tell my colleagues most of the tests that are given now on a national level do not lend themselves to comparisons from one place to another because they are not given in a way so that we can make the comparisons. That is intentional to some degree, and I do not think we are going to learn too much by any studies on tests which exist right now. But I think we have to do something about it.

We talk about State standards, for example, as a way of doing this. My State happened to adopt very tough standards, and most of the students did not meet the standards. Then they took a national test and they did pretty well on the national test. There is at least one Southern State in which 80 percent of the kids did extraordinarily well on that State's standards, and they took the national test, and I think fewer than 20 percent of them actually did well on the national test. What does that mean? Does it mean that the Delaware students are better or worse because they did well on the Federal, not well on the State? I do not know. I think we need that comparison.

Believe me, now, in my State, we have comparisons school by school, and it has driven education reform tremendously. It appears in our newspapers. They see what it is. Parents are able to make choices now within public schools. It has made a huge difference as far as education is concerned. I think we really have to continue to look at the subject and develop it in every way we possibly can.

There are those who I know oppose any kind of national testing, and I would tell them I would hope they would keep their powder dry, continue to look at this subject. I think we understand there are reasons, which range from fears of discrimination or national curriculum or wasting Federal dollars or students' time with yet another test. But there has to be something to improve education.

I think part of it is to get into this whole issue of some sort of a comparison, be it testing or whatever it may be. I have heard critics of testing say that one does not fatten a cow by weighing it regularly, and we should not test kids that way. But I will tell Members that this is not testing kids in the same way from one State to another. We have got to be able to make a fair comparison. Right now the State tests do not do it. So let us all try to work together on this. This is a very important issue for the future of this country.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I want to thank the ranking member, the gentleman from Missouri (Mr. CLAY) for yielding the time to me.

It seems that we are into this thing again when we did it once last year at the close of the last session. I do not know why we are doing this thing at this time. I would rather be spending the time very clearly making a difference in things that matter to children across the Nation, things that are desperately needed like teacher training, classroom construction and a whole lot of other things that I could go into and I will not at this time.

What really disturbs me is that in the past we, in the majority on the committee, especially this committee, have worked in a bipartisan way. That is not true in the debate that is before us today. Only a few months ago the chairman deservedly has to be given credit for working out a compromise, and that compromise that was reached between the chairman, the gentleman from Pennsylvania (Mr. GOODLING), and the administration on what national testing activities would be allowed during the fiscal year of 1998.

As Members know, that agreement banned all activities except those related to the development and planning of tests. In addition that compromise required the National Academy of Science to issue three studies, and those studies were intended to give the Members information which would be key to enlightening us to the policy decisions on this issue. Lastly the compromise transferred oversight of the test to the National Assessment Governing Board, or NAGB, as the gentleman from Delaware (Mr. CASTLE) has referred to that he served on, to assure a nonpartisan supervision of those tests.

With this compromise recently put into place, I was one Member who thought that we would be informed by the NAGB studies prior to a substantive debate during our committee's consideration of NAGB; that is, NAGB reauthorization. However, this is clearly not the major intent here.

I have great respect for the gentleman from Pennsylvania (Mr. GOODLING); I always have had. Traditionally our committee, as I said before, has resolved our differences in a bipartisan fashion. The past session of Congress, under the leadership of the gentleman from Pennsylvania (Mr. GOODLING), we followed that theme. Consideration of this bill, however, has been handled in exactly the opposite fashion. Despite the objections of Secretary Riley, the gentleman from Missouri (Mr. CLAY), ranking member, and several prominent civil rights groups, the gentleman from Pennsylvania (Mr. GOODLING) has pushed forward with this legislation. In the committee we asked him to postpone its consideration until the review of the reauthorization of NAGB, and he did not see fit to do so.

Frankly there is little if any need for us to be considering this on the floor today. It is all in law and exactly the things that he is concerned about exist in that law, and the National Assessment Governing Board is following the

letter of that law. They have sent a letter, as I said before, to the gentleman from Missouri (Mr. CLAY), and I have a copy of the letter which indicates that they have every intention of following the law and not proceeding with testing or deployment of testing until the Congress authorizes it. Frankly, I believe that Members on our side of the aisle, even if they voted for the bill the first time, in this case should vote against this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), another member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me the time. I would also like to congratulate the chairman on leading the fight on this issue.

I think there is at least three issues we need to talk about today. The first thing is that the executive branch is moving outside of the intent of Congress. They are moving forward in defining the Federal Government's role in education without an agreement and without a consensus having been developed between the executive branch and Congress. This is a key issue and we should not move forward on this issue without an agreement between the executive branch and this Congress. This Congress and this committee should set the direction for national testing.

A second issue that we really need to have a national debate about, beginning in this committee, is exactly what is the role of the Federal Government in education. Last year we went to 14 States, had hearings, had 22 different field hearings, and what we are hearing at the local level are some tremendous progress being made in education. It is not because of what we are doing here in Washington, but it is because of what parents, teachers and administrators are doing at the local level.

They are not sure that at the local level they want the Federal Government building their schools, hiring their teachers, feeding their kids, developing their curriculum, putting in their technology or determining their class size. They would like to have something to do at the local level as it regards to their schools and their children.

The third issue is even if we did testing, is this the right way to do it? We had hearings in Delaware, my colleague from Delaware described the process that they have gone through in that State. It is a difficult process. In Delaware I believe it took about 3 years. They worked aggressively at the grassroots level to involve parents, to involve teachers, to involve administrators, and to involve elected officials. That is the way to do it. We do not do testing, we do not make this kind of change by one branch of government moving forward and saying, this is what we are going to do, and leaving the rest of us behind.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, at a time when the Nation's attention is focused on education as a national priority and certain significant initiatives and programs have been clearly set forth by the President in the State of the Union address, the response of the committee of jurisdiction is a bill which implies that testing is the number one priority. And even worse than that, it appears that the sequence and the date for the testing and the fine print of a deal that was negotiated by a handful of people is more important than a response of the committee of jurisdiction to the agenda that has been laid out by the President.

Leadership on education improvement should be regained by the committee of jurisdiction, the Committee on Education and the Workforce. We have all kinds of folks who have taken over that leadership. Most of all the Committee on Appropriations makes the most significant legislation on education nowadays. I do not think that is appropriate and it is not the wisest use of the talent here. The committee that has the institutional memory, the committee that knows the issue across the board should be the committee where the major decisions are made.

We would like to get on with it. Let us have the hearings on the construction initiative. I do not agree with the gentleman from Michigan who said that local people want something to do, to keep the Federal Government totally out of it. There is plenty for local people to do. I think most localities would appreciate some help with school construction. That is rural, suburban and certainly the inner-city communities. New York City certainly needs some help just to convert coal-burning boilers in schools into more efficient and less dangerous boilers. Just a few days ago we had a situation where a school had to be evacuated because a 70-year-old coal burning boiler was leaking carbon monoxide.

So we have an emergency in many ways. Certainly the infrastructure emergency, the emergency which cries out for help most is the one related to construction. Let us have a hearing, a series of hearings; let us begin legislation on that. Sequence is very important. Before you get into testing, I am all against testing until we deal with opportunity to learn. This opportunity to learn which the Committee on Appropriations took out of legislation a few years ago, that has to come first. Opportunity to learn means you provide decent, safe, physical facilities. Opportunity to learn means that you provide teachers who are trained, and you improve the teacher-student ratio.

Some of the things that have been set forth by the President in the State of the Union address relate to providing an opportunity to learn. Before you drop the load on the backs of the children and say, we are going to test you, give them a chance to learn.

At present there is a great need for leadership from the Federal Government in terms of leading the States and the municipalities to do more to improve these opportunities to learn. We had a deal that was negotiated by a few members on the subcommittee outside of the usual democratic process where you have a committee of the conference, a committee, a group of members in the committee. So we are sort of locked out of this process of really knowing what the agreement was except what we see in writing. Why should we proceed with that? Let us deal with the substance of the education improvement issue and not with the frills and the details of a deal that somebody thinks has gone bad but there is plenty of time to correct if they think there is correction needed.

I urge a no vote on this unnecessary legislation.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I rise in support of the bill offered by the gentleman from Pennsylvania (Mr. GOODLING) and commend him for his tireless efforts in this area and thank him for yielding time to me.

I totally agree with the gentleman that preceded me. The gentleman from New York says that testing is unimportant. The fact is we should be spending money elsewhere. I am particularly pleased that the gentleman from Pennsylvania (Mr. GOODLING) has brought the bill to the House early though in this session so that it can be fully aired, passed and sent to the other body and sent to the President early this year.

There is no argument that students should be held to high standards and teachers, students and parents should have a clear idea on their educational progress toward meeting those standards. But national testing is a perfect example of how the Clinton administration makes policy. If it sounds good, if it polls good, and if the focus groups say it is needed, well, then it is automatically great national policy even when it does not work. It is spending resources, valuable resources, scarce resources, in areas that do not need it.

We do not need national testing. We need good education, just as the gentleman from New York said. The fact is that there are many ways to assure high quality education to meet the needs of today's economy, and I commend the gentleman from Pennsylvania (Mr. GOODLING) for putting a stop to this single-minded big government approach to the problem.

□ 1200

If there was any doubt that the Clinton testing plan was at best folly, simply imagine the logistic and cost nightmare on test day. On that day the reading test would have to be delivered to over 3 million students in 64,000 elementary schools in the Nation at more or less the same time. Delivery would have to be an overwhelming task. Security so that people do not cheat, an endless ordeal. The cost would be astronomic and the cost would recur each year.

Mr. Chairman, the testing, as proposed by the administration, violates our values of local control. People that know the best about education are the people at home. It provides opportunities for educational fads like "whole math" to be suddenly imposed and is scornful of the real issues raised by the minority and disadvantaged communities and just will not work. We need to apply the money on teachers and better schools, not on national testing.

I support this bill and urge its adoption.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this legislation. This bill would stop the development of voluntary testing dead in its tracks. It would block cities and States from pursuing a new tool in our efforts to make our schools the best in the world. These tests are not about history, not about science curriculum, they are about the ability to read and write, to add and subtract. Mr. Chairman, there are just no politics in the A, B, Cs; no hidden agendas in the 1, 2, 3s.

Mr. Chairman, an agreement on Federal support for voluntary Federal testing was reached last year. That agreement permits limited test development but not its implementation. It was my understanding that the gentleman from Pennsylvania approved that compromise. Why are we wasting time revisiting an issue that we resolved just a few short months ago?

Last year six of the Nation's seven largest cities accepted the challenge of voluntary national tests, including New York City, Chicago, Philadelphia, Los Angeles, Atlanta and Detroit. These communities have decided that voluntary national performance measures can help them determine what is working and what needs fixing.

Mr. Chairman, I would urge my colleagues to permit limited test development to move forward and move on to debate ways to repair crumbling schools, reduce class size and keep schools open after hours. Let us talk about ways to promote educational reform and excellence, not slow it down. Vote "no" on this legislation.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT), a member of the committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the President wants voluntary tests identifying individuals, schools and States as meeting or failing voluntary education standards. His education plan calls for voluntary tax credits to build more schools. He is also volunteering the Federal Government to hire 100,000 teachers. Sounds to me like the era of big government is still alive and well over at the White House.

Mr. Chairman, are we to volunteer ourselves to the nationalization of our education system? Will Uncle Sam test, set standards, build the schools and hire the teachers? If so, we might as well tell our State legislatures, boards of education and local school boards to go home, Uncle Sam has taken charge.

H.R. 2846 brings sanity to the process. It tells the administration that Congress will live up to the deal we made in the last appropriations bill but, most importantly, the bill maintains the right of people's Representatives to settle the question of education testing. Support H.R. 2846 and preserve the rights of Congress.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

This debate is really a debate about our Nation's future. This morning in this hall we opened the session with a pledge of allegiance in which we pledged to be one Nation. But what is that debate? What does it mean when we want to be one Nation? Well, one Nation is about national priorities and to have priorities we must make priorities.

This Nation has found it important to have national standards for aviation, obviously for food safety, and even for truck tires, but we have never made it a national priority for education. There are no national standards. Think about that.

High school standards are set by local communities and State legislatures. College boards exams are a private industry, not regulated by government. Everyone knows that tests are essential to function in our society. We require them for everything from driving a car to entering the Armed Services.

This bill is the wrong way to go because we ought to have our national priorities be as important to us in education as they are for entering the military or driving a car. And we will never be one Nation unless we put education at that high priority. And when we do, we truly will be one Nation under God, with liberty and justice for all.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODE), a State where on their own they have done remarkable things in relationship to standards and assessment.

Mr. GOODE. Mr. Chairman, I want to commend the gentleman from Pennsylvania (Mr. GOODLING) for his initiative in this area, and he is correct, Virginia is a leader in testing its students. We want to see education maintained at the local and State level.

I supported this measure the first time and am very glad to support it this time, and I want to read a few statements from a teacher in the Pittsylvania County School System.

"I am greatly disturbed by the President's attempt to sponsor national student testing. I am intimately aware of the problem confronting teachers, parents, employers and students' ability to perform many needed basic skills. I don't see that more tests, especially those generated by administrators or bureaucrats at a national level, will identify any problems that teachers on the front line have not already known. National standards have no meaning to localities except one more example of the Federal Government trying to run the show."

He said it all, Mr. Chairman.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, what gall for the majority to argue today the merits of local governance when just yesterday they trampled on the local rights of Virginians. Are we only principled when it suits our purposes?

I rise today in strong opposition to this extraneous legislation. I happen to support national tests, so it is easy for me to oppose this bill. But I would oppose it even if I opposed national testing. Have we already forgotten how painstaking was the compromise that was mapped out before the Labor-HHS appropriations bill could be signed into law?

That compromise is good policy. It will give us an opportunity to get the facts before we debate the merits of national testing. The National Academy of Sciences would conduct a series of studies to inform us before we administer any national tests.

I think we all want to do the right thing on the national testing issue, we just disagree about what the right thing is. Getting the facts on national testing before we debate whether or not to have tests is a step in the right direction, but this legislation would deny us that opportunity.

While I understand the desire of the chairman, the gentleman from Pennsylvania, to keep discretion over authorization of national testing in his

own committee, he will have that opportunity when the committee reauthorizes the National Assessment of Education Progress and the National Assessment Governing Board. There is no reason not to wait until we consider legislation to reauthorize those programs and debate this issue at the appropriate forum.

I urge my colleagues to oppose this politically motivated attempt to secure jurisdiction where jurisdiction has already been established.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a former member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, there is a vision for education and a vision that could be bipartisan, but it chooses not to, unfortunately, because of partisan politics.

We can have big government control of education or we can have it where parents, teachers, local administrators can control that. We talk about voluntary national testing. The gentleman from Michigan Mr. DALE KILDEE, who was the ranking minority member on the subcommittee, he and I killed national history standards. Why? As a previous history teacher, the gentleman from Michigan saw they were teaching more about Madonna than they were the Magna Carta, and that the Federal Government was getting involved in socialized history and the standards that went into it. And the worst part was that the textbook companies, before that bill was ever passed, had set forth that liberal agenda into our schools. And that is wrong.

The President talks about more money for school construction, but yet the other side of the aisle denied the average age of D.C. schools is 60 years. And when they talk about school construction and more tax dollars for it, the other side rejected that all we had to do is waive Davis-Bacon and we would save 35 percent of school construction. But yet the union bosses controlled the other side of the aisle and they rejected it. So there is a difference in vision.

The Democrats had 40 years to establish the foundation of public education. Public education should be the foundation of this country. It spreads across a lot of lines, but yet they want big bureaucracy, big government control. There are 760 Federal education programs. The President wanted $3 billion for a new literacy program. There are already 14 literacy programs, Title I is one of those.

What is wrong with saying let us take one or two and get rid of the rest of the bureaucracy that steals the money for big Washington government and keeps it from going down to the classrooms so that teachers and parents and administrators can have more control instead of big Washington union bosses and bureaucrats?

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise today in strong opposition to this legislation and I urge my colleagues to vote against it.

In the balanced budget President Clinton presented to the Congress last week he laid out an action plan for improving America's schools, a plan to reduce class size, thereby creating a better learning environment for our children, better opportunity to have discipline in our schools. The plan also called for repairing of crumbling schools, putting computers into every classroom, training teachers so that our children will be prepared to meet the challenges of the 21st century.

And instead of considering legislation to improve our schools, Republicans today are bringing this unnecessary legislation to the floor to block national tests that would, in fact, help to ensure that every child in our country meets higher standards in math and in reading.

Voluntary national tests would give us the opportunity to gauge our children's progress in these basic skills. These are essential skills to ensuring a future success in life. Tests will let parents know that local schools, that teachers are doing their job and holding them accountable for the results that they achieve.

Mr. Chairman, this issue was resolved last year during the appropriations process. The bipartisan agreement calls for test development to go forward and for the National Academy of Sciences to study what type of test might work best for our kids. Quite honestly, Republicans in this Congress, as their nominee for President last year articulated, do not believe that our country and the Federal Government should have a role in education. That is why they are backing out of that agreement.

The American people want this Nation to have high education standards. I want high education standards. We in this body should be for high education standards. That is why I oppose this legislation.

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Let us stop wasting our time on this unnecessary legislation. We ought to be working together to pass measures that improve our schools and make education today work for our young people.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I was going to say to the Chairman of the committee that we have several people who have indicated they want to speak, but only one is on the floor. So I guess we will call on him.

I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding.

Largely ignored in this morning's debate on this question of the testing on national educational concerns is the fact there is a test going on right here this morning, and the scores are already in. When the question is concentrating on those issues, on the periphery of the lives of ordinary Americans, this Republican leadership scores an unqualified A-plus.

Whether it is naming an airport and switching the name of one President for another or dealing with something that the administration is not really doing right now, they have done excellent, absolutely outstanding, in concentrating on these issues that do not really make a flip to ordinary American families who are out there struggling to make a go of it and are trying to get their kids through the schools.

But when it comes to a commitment, a Federal commitment to back up our families, to support our local school boards and the many other groups, whether it is the PTA or the large adopt-a-school program that our Chamber of Commerce does down in Austin, TX, and Uvalde, TX, and in Pflugerville, TX, to back up and support those local efforts, when it comes to ideas, new ideas and new approaches to improve the quality of education, that test score is in also. And just like last year, this Republican leadership scores an unqualified F. They do not even get up to D-minus.

Because the only new idea they have only advanced, other than trying to prevent other people from doing something to improve the quality of public education in this country, something that our parents and our communities all over this land want, the only solution that they have offered, they will not vouch for public education, they want to voucher out a privileged 10 percent and move them off into private academies and leave the other 90 percent to sink. That is not a solution. It is contributing to part of the problem.

What we need to be doing is not dealing with things on the edge of reality but concentrating on how we can reshape and reinvigorate some of our existing programs and channel those resources to reduce class size, improve teacher training, focus on many things, that we share common concerns and not focus on these things that will not make a difference one way or the other in the quality of any child's education.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished Whip.

Mr. DELAY. Mr. Chairman, I thank the Chairman for yielding.

I want to rise in favor of this resolution because this resolution is quite simple. It says that the President cannot formulate a national test for our students unless the Congress specifically authorizes such a test. It is just

that simple. It is not all the other things that we have heard.

This might seem like a typical inside-the-Beltway type of squabble between the President and the Congress, but I say to my colleagues that there is a bigger principle at stake in this resolution: Who should control the education of our children? Should it be parents or should it be the Federal Government?

The administration and its supporters in the Congress want more control over local communities and parents when it comes to educational policy. They want to expand the national bureaucracy at the expense of working families. They want to promote a one-size-fits-all education system, a system that dictates national standards and promotes a national curriculum and gives more power to Federal bureaucrats.

We want to return power to families. We want to give parents more choices. We want our local communities to make the decisions, not some huge Federal bureaucracy. That is why we support the concept of school choice. That is why we believe working families should be able to use tax-free education savings accounts so that parents can have more options for their children. And that is why we oppose efforts by this administration to waste money on needless tests and wasteful national bureaucracies.

So I ask my colleagues to support this resolution and support America's working families.

Mr. CLAY. Mr. Chairman, I have no further speakers, and I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington, Mrs. LINDA SMITH.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I especially want to thank the Chairman of this committee. Because many would shirk at the issue of national testing because we often think that testing is the way to assure education.

But this last week, my school board members came to me and they said, "Oh, please, do not test us any more. We already in our State have a 4th and 8th grade test. We are already having the teachers complain that they are working to test instead of working to teach."

So today what we are saying is Congress should take a look at this. And it really says, Mr. President, you cannot spend that $342 million developing a new bureaucracy, a new test, until you talk to us and we talk to the people. That is what this debate is about. It is about talking to the people.

When my school board members, one by one, from all over the State that has little to big districts, come and say, all of our administration is Federal regulation, testing and bureaucracy and it is even affecting the classroom, we should take a look. The people elect Congress, they elect us to represent them, and I think we should stop and take a look.

This is a great bill, and I strongly support it.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished Ranking Member for giving me this opportunity to speak in opposition to H.R. 2846, the prohibition on Federally sponsored national testing.

As my colleagues know, this legislation would prohibit the development and the administration of volunteer national testing without specific statutory authority. This is a controversial issue, clearly; and there are Members on both sides of the aisle who have questions about testing. But that is not the issue before us today.

Last year, members of the Committee on Appropriations spent weeks diligently working with the author of the legislation, the gentleman from Pennsylvania (Mr. GOODLING), the authorizer, to craft an acceptable compromise to this language. But that never, in fact, belonged in an appropriations bill in the first place, that the National Academy of Science would continue its studies on development of the test.

The National Assessment Governing Board has recently determined that, even if we should decide that the voluntary testing should proceed, the test cannot be sufficiently developed and ready to be administered until the year 2001.

Mr. Chairman, the purpose of the proposed test is to help our students learn and to improve their performance. A voluntary national test will determine whether our children possess the basic skills they need to achieve and help their parents and teachers help them learn. But a bipartisan compromise was worked out in good faith 3 months ago to resolve this controversial issue. We do not need another resolution.

What we do need is to focus our efforts on making educational opportunity possible for all other children by rebuilding schools in desperate need of repair, reducing class size, and creating after-school programs.

Mr. Chairman, I urge my colleagues to vote "no" on H.R. 2846.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) has 8 minutes remaining, and the gentleman from Pennsylvania (Mr. GOODLING) has 4¼ minutes remaining.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER), and then I will close.

Mr. SOUDER. Mr. Chairman, I know many people are concerned about the standards in their schools. But this is something different. This is Washington pointing an accusing finger at our Nation's children, many trapped in inner city, broken down schools and saying you miserable little failures. Do we really want Washington doing that?

Many people, myself included, I think have been very confused by the mixed signals that the President is sending. Now I happen to believe that there is a responsible public policy approach to dealing with a potential surplus. For that reason, I am cosponsoring legislation offered by the gentleman from Wisconsin (Mr. NEUMANN) which is consistent with a number of important policy objectives.

Last year, 300 of us had the courage to say that is not Washington's business, that is the business of parents, local school boards, and the States.

The question today and the question before us is who is going to flip-flop their vote today.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me once again focus the debate on the real issue. I agree with every question the Ranking Minority Member asked. We need to have answers to those questions before anyone progresses with a test as a done deal.

The only way we get to do that, as a matter of fact, is if we now pass this legislation. Otherwise, we do not participate. We have not been allowed to participate up to this point. We will not then.

We have a lot of questions to ask. We have hearings in February. We have a hearing in March on testing. A lot of questions to ask. And we need a lot of answers. One of those will be, who pays? Who pays? They are very leery back there about who pays. Cops on the beat, oh, yes, we will pay one time, and then we are stuck.

Well, let me tell my colleagues about the President's budget. The President cuts $450 million from effective programs that operate on the local level. The President adds $150 million for programs that will be operated out of Washington, D.C. They have a right to ask who pays. We do it one time and then they are stuck with it. Again, this is putting the cart before the horse for them to move ahead without any consultation with us.

We have all the questions I ask. We have all the questions the Ranking Minority Member asks. They need to be answered. And they will be answered as we have our debate in committee and then as we bring that debate to the floor of the House.

But the only way we can get answers to those questions is if we are players. And the only way we can be players is if we pass this legislation so that, as a matter of fact, we get to participate in this debate, and we get to ask the questions that the Ranking Member has asked and I have asked.

So I ask my colleagues to, I realize, as I said before, there are a lot of pie-in-the-sky promises out there. I know the vote will be different. But I ask Members to vote for it. Vote your conscience. Do not vote pie-in-the-sky promises.

Mr. CRAPO. Mr. Chairman, I thank the distinguished gentleman for yielding to me and I rise to express my support for overriding the President's veto of H.R. 2631, the Line Item Veto Cancellation Act.

Mr. Chairman, I am a long-time supporter of the line-item veto. This new law makes possible a more restrained Congress, but also entrusts the President with the important responsibility of using this new power wisely. That is why I was so disappointed to see the President make a misinformed decision in canceling funding for 38 military construction projects, including 2 in my home state of Idaho, and then repeating this mistake by vetoing this legislation.

As we all now know, based on faulty and outdated information provided by the Department of Defense, President Clinton eliminated needed funds for a B–1B bomber avionics facility for low-altitude navigation and a F–15C squadron building for planning and briefing combat crews at Mountain Home Air Force Base. Both of these projects are among the Air Force's top priorities and were a part of the President's own 1999 and 2000 Pentagon budgets. These facilities are critical because the 366th Composite Wing at Mountain Home Air Force Base represents one of our nation's premier rapid-deployment forces in times of an emergency. Even Defense Secretary Cohen has reflected on the critical role of the 366th Wing in our national security structure and acknowledged that "it must maintain peak readiness to respond rapidly and effectively to diverse situations and conflicts." For service at home and in the Middle East, Central America, and Europe, the men and women of Mountain Home Air Force Base have answered the call of their country; it is only right and proper that the Commander in Chief recognize this important commitment.

I was pleased to assist in the effort to provide the President with line-item veto authority. However, this power is significant and must be practiced with great care and attention to preserve the system of "checks and balances" in our Constitution. It is my hope that the President understands this and will in the future only exercise the veto in appropriate cases.

At this time, I would like to express my appreciation to Chairman PACKARD, Chairman SKEEN, and the House leadership on both sides of the aisle for considering this measure today to overturn the President's veto. This action today will send a strong message to the Senate and White House that the American people expect careful use of the line-item veto. It will also demonstrate to opponents of the line-item veto that the new law works and is consistent with our Constitution.

Mr. RADANOVICH. Mr. Chairman, I rise today in support of H.R. 2846 which bars Federal spending for planning, developing, implementing or administering national education testing unless such tests are specifically authorized by Congress.

Passage of this bill is good for our schools. The President's strong support of national testing reveals serious philosophical differences between many in Congress and the Administration with regard to the role that teachers, parents, school board members and local communities play in ensuring that our children have the best possible opportunities for education available to them.

A national test would tell us little more than we already know—that the measure of a child's education is determined both by the quality of the education that the child has access to and the willingness and ability of that child to learn. I oppose such a test because I believe that we need to invest in our schoolchildren and in their education, not study them.

Make no mistake, I think schools should provide minimum requirements and standards of learning. However, we should not expand the role of the Federal Government in education to achieve this goal. Our teachers, parents, school districts and local communities, particularly those in California's Central Valley, are more capable of cultivating a better education for our children, and in measuring that education, than federal bureaucrats in Washington, D.C. Federal money is better spent on improving the conditions and quality of our schools than on a full-employment program for administrators of a national education test.

National testing is the first step towards further federal intervention and control of the education of our children. In order to administer a national test, it first must be written. This job, no doubt, will be performed by federal bureaucrats in the Department of Education. Soon, these same individuals will be setting the reading and math standards for our nation's schoolchildren. Next, the Department of Education will want to set the curriculum of school districts and classrooms to meet those standards as evaluated through the federal test.

Mr. Chairman, we spend over $29.5 billion on the federal Department of Education. According to a recent study, only 85 cents of each dollar that the department allocates for elementary and secondary education actually makes it to the local school district. One study of a New York public school system showed that only 43 cents of every district dollar actually made it into the classroom.

If we want to maximize our return on federal education dollars, we need to skip over the bureaucracy, reject national testing and provide as much funding as possible directly to communities and schools.

Besides shifting education funds to local communities, it is important that we ensure our children are given the educational choices and opportunities they deserve. This means giving states, school districts, local communities, teachers, and parents flexibility to implement policies and use resources that best respond to the education needs of that particular community—and not forcing them to adopt a national one-size-fits-all test.

My goals for educating our children are not tied to national testing. Instead, we must maintain our strong commitment to education funding that shifts more dollars and greater control to our states, communities, parents and teachers.

I urge my colleagues to vote in favor of H.R. 2846.

Mr. PAUL. Mr. Chairman, I rise in support of H.R. 2846, which forbids the use of federal funds to develop or implement a National Test without explicit authorization from Congress. Supporters of protecting the United States Constitution from overreaching by the Executive Branch should support this bill as the Administration's plan to develop and implement a national education test without Congressional authorization is a blatant violation of the constitutional doctrine of separation of powers.

However, support for this bill should in no way be interpreted to imply that Congress has the power to authorize national testing. After all, Congress, like the Executive and the Judicial branches of government, must adhere to the limitations on its power imposed by the United States Constitution. Although many seem to have forgotten this, in our system, the limits set by the Constitution, rather than the will of any particular Congress, determine the legitimate authority of the United States Government.

The United States Constitution prohibits the executive branch from developing and implementing a national test, or any program dealing with education. Education is not one of the powers delegated to the Federal Government, and, as the ninth and tenth amendment make clear, the Federal Government can only act in those areas where there is an explicit delegation of power. Therefore, the Federal Government has no legitimate authority to legislate in the area of education. Rather, all matters concerning education, including testing, remain with those best able to educate children—individual states, local communities, and, primarily, parents.

Implementation of a national test also must be opposed because of its primary effect: the de facto creation of a national curriculum. Many supporters of a national testing try to minimize this threat to local and parental sovereignty by claiming the program would be voluntary. However, these are many of the same people who consider Goals 2000 a "voluntary" program, despite the numerous times Goals 2000 uses the terms "shall" and "must" in describing state functions. Furthermore, whether or not schools are directly ordered to administer the tests, schools will face pressure to do so as colleagues and employers inevitably begin to use national tests as the standard by which students are measure for college entrance exams and entry-level jobs. At the very least, schools would soon find federal, and perhaps even state, funding conditioned upon their "voluntary" participation in the national testing program.

Educators will react to this pressure to ensure students scored highly on the national test by "teaching to the test"—that is, structuring the curriculum so students learn those subjects, and only those subjects covered by the national tests. As University of Kansas Professor John Poggio remarked in February of last year, "What gets tested is what will be taught." Government bureaucrats would then control the curriculum of every school in the nation, and they would be able to alter curriculums at will by altering the national test!

Private schools and home schools will be affected as well, as performance on the national tests becomes the standard by which student performance is judged. Those in private and home schools will face increasing

pressure to participate in national testing and shape what is taught to fit the criteria of the tests.

National testing is a backdoor means by which the federal government can control the curriculum of every school in the nation. Implementation of national testing would be a fatal blow to constitutional government and parental control of education.

The Executive Branch has no constitutional authority to implement and develop a national test and the Congress has no authority to authorize the test. I therefore urge my colleagues to vote for H.R. 2846, which stops the Administration from ultimately implementing national tests and oppose all legislation authorizing the creation of a national test. Instead, this Congress should work to restore control over their children's education to the American people by shutting down the federal education bureaucracy and cutting taxes on America's parents so they may provide for the education of their own children.

Mr. WELDON of Florida. Mr. Chairman, last year this Congress voted 295–125 against allowing the federal government to establish national tests for education. However, President Clinton and the Federal Department of Education continue to pursue their effort to establish national testing. I am very disturbed, but quite frankly not surprised by the President's efforts to bypass the Congress and establish national testing. He has done this in other areas as well.

The Constitution gives the Congress, not the President, discretion over federal spending. The Congress has not authorized the Administration to expend taxpayer funds on developing or implementing a national education test and its is wrong for the Administration to pursue such efforts.

The American people don't want federal control of education and that is exactly what national testing moves us towards. H.R. 2846 would ensure that the House Committee on Education and the Workforce (the Congress) will have increased involvement and discretion over this program. I am a proud cosponsor of this legislation and am hopeful that we can move it forward.

Unlike liberals in Washington, I believe that states and local communities are better equipped to design and implement school assessment programs because they are closer to the needs and abilities of their students, teachers, and schools. Furthermore, national testing could lead to a watered-down, ineffective test which holds everyone to lower standards. It also would divert scarce federal education dollars away from the classrooms and would reallocate them toward bureaucracy and test administrators.

I am very concerned about the potential that a national test could effectively lead to the adoption of a national curriculum. In this scenario, individual school districts would be compelled to conform their classroom curriculum to the national test in order to ensure that their students did well on the test. Educating children and giving them the skills and abilities they need would be sacrificed so that learning is geared toward doing well on a national test. I believe education decisions should be made by state and local governments, not the federal government.

Finally, many states and local communities have done a considerable amount of work to develop their own standards. Florida has been a leader in this area and has just completed an extensive effort to improve standards and implement its own state test. For the federal government to thwart the extensive effort and expenditure of the State of Florida is wrong and should be rejected. I trust the people in the State of Florida to do what is right, not the bureaucrats and education elite at the Federal Department of Education in Washington.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2846

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

SECTION 1. FINDINGS.

The Congress finds the following:

(1) High State and local standards in reading, mathematics, and other core academic subjects are essential to the future well-being of elementary and secondary education in this country.

(2) State and local control of education is the hallmark of education in the United States.

(3) Each of the 50 States already utilizes numerous tests to measure student achievement, including State and commercially available assessments. State assessments are based primarily upon State and locally developed academic standards.

(4) Public Law 105–78, the Labor, Health and Human Services and Education Appropriations Act, 1998, ensures that Federal funds may not be used to field test, pilot test, implement, administer, or distribute in any way, any federally sponsored national test in fiscal year 1998, requires the National Academy of Sciences to conduct a study to determine whether an equivalency scale can be developed that would allow existing tests to be compared one to another, and permits very limited test development activities in fourth grade reading and eighth grade mathematics in fiscal year 1998.

(5) There is no specific or explicit authority in current Federal law authorizing the proposed federally sponsored national tests in fourth grade reading and eighth grade mathematics.

(6) The decision of whether or not this country implements, administers, disseminates, or otherwise has federally sponsored national tests in fourth grade reading and eighth grade mathematics or any other subject, will be determined primarily through the normal legislative process involving Congress and the respective authorizing committees.

SEC. 2. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Part C of the General Education Provisions Act is amended by adding at the end the following:

"§447. Prohibition on federally sponsored testing

"(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and, except as provided in sections 305 through 311 of Public Law 105–78, the Labor, Health and Human Services and Education Appropriations Act, 1998, funds provided to the Department of Education or to an applicable program under this Act or any other Act, may not be used to develop, plan, implement (including pilot testing or field testing), or administer any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Math and Science Study or other international comparative assessments developed under authority of section 406(a)(6) of the National Education Statistics Act of 1994, and administered to only a representative sample of pupils in the United States and in foreign nations.".

The CHAIRMAN. During consideration of the bill for amendment, the Chairman of the Committee of the Whole 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 will be considered 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 any amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in 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. MCHUGH) having assumed the chair, Mr. EWING, 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. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation, pursuant to House Resolution 348, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MCHUGH). 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.

The SPEAKER pro tempore. 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. CLAY. 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 242, nays, 174, not voting 14, as follows:

[Roll No. 9]

YEAS—242

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boyd
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
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
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—174

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Etheridge
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Becerra
Burton
Cannon
Dellums
Eshoo
Gonzalez
Hall (OH)
Herger
Istook
Kilpatrick
Klink
McKeon
Pickering
Schiff

□ 1250

Mr. SNYDER changed his vote from "yea" to "nay."

Mr. EVANS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, on rollcall No. 9, I was unavoidably detained en route by traffic. Had I been present, I would have voted "yea".

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, on roll call vote 9, I inadvertently voted "aye." I intended to vote "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2846, PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2846, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2846, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2021

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2021.

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

There was no objection.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 349 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 349

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House 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". The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), my very good

friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for debate purposes only.

Mr. Speaker, this resolution is a closed rule providing for consideration of S. 1575, which is a bill to rename the Washington National Airport as the, and listen carefully, as the Ronald Reagan Washington National Airport. That will be the name of the airport, if this bill passes.

The rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Transportation. The rule also provides that the bill shall be considered as read. Finally, the bill provides 1 motion to recommit.

Mr. Speaker, the passage of this rule will bring us one step closer to finishing the task of renaming the National Airport after a truly great American and an outstanding President, Ronald Wilson Reagan.

At this time I include for the RECORD 2 articles, one which appeared back in 1993 by myself in the CONGRESSIONAL RECORD, and the other by Donald Devine, the former Director of the U.S. Office of Personnel Management that appeared in today's papers.

A TRIBUTE TO RONALD REAGAN

(By Hon. Jerry Solomon)

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York, [Mr. SOLOMON] is recognized for 60 minutes as the designee of the majority leader.

Mr. SOLOMON. Mr. Speaker, I take this special order tonight to pay tribute to a great American, the greatest American that I have ever known, and that is President Ronald Reagan. As you know, I had intended to hold this event last night as a birthday present for the former President, but the House was occupied on an even better birthday present, passage of the line item veto. And what better birthday present could be offered to the President and to Mrs. Reagan than to complete the unfinished business of the Reagan revolution?

I know I speak for every Member of this House, Mr. Speaker, and virtually all Americans in offering President Reagan and his beloved First Lady, Nancy, our prayers and our very best wishes on this very wonderful occasion.

Mr. Speaker, what do you get for the man who has everything, so that saying goes? Well, Mr. Speaker, as we observe President Reagan's birthday, a better question is how do we appropriately honor a man who has done so much for us, for our country and for the cause of freedom around the world? Our tribute this evening should extend beyond the President's accomplishments in office, although they are numerous, too numerous to mention here tonight.

Let us examine Ronald Reagan's record with the benefit of historical reflections. The story has been told that during his darkest hours, President Nixon was reassured by those around him that history would treat him well. Ever sharp and skeptical, President Nixon shot back, "That depends on who is writing the history." In the case of Ronald Reagan, Mr. Speaker, most of those writing the history of his Presidency have done everything in their power to turn light into darkness, achievement into failure and hope into despair.

Those of us who stood shoulder to shoulder with Ronald Reagan from the very beginning are here today on the occasion of his 84th birthday to say that we are not going to let them get away with it anymore.

Ronald Reagan's views now occupy the center, the main street, of American politics. Look at some recent House votes, the balanced budget amendment passed this House by 300 to 132; unfunded mandates reform to implement the new federalism Ronald Reagan espoused passed this House by a vote of 360 to 74, and the line item veto just the other day, 294 yeses to only 134 noes. All of these measures passed with substantial Democratic support from the other side of the aisle as well, good conservative Democrats voting for the Ronald Reagan programs that we were unable to deliver a number of years ago.

And, yes, Mr. Speaker, throughout the proceedings of the 104th Congress and, indeed, through the election of 1996, coming up, a history debate has been resolved in favor of the ideals articulated by President Reagan and his remarkable vision.

Over the last 15 years, President Reagan's goals were subject to the most robust scrutiny that our system of democracy has to offer. During the 1994 election, some liberal Democrats even campaigned against the Contract With America on the basis that the contract was a continuation of what, of the Reagan legacy. Can you imagine?

Well, Mr. Speaker, the actions of this Congress are evidence that President Reagan's legacy has not just endured that test of scrutiny and criticism but that it flourishes today to the benefit of all Americans.

It is useful to look back, however, in order to more fully savor and appreciate President Reagan's vision. American morale in the 1970's, think back, could not have been lower. President Jimmy Carter declared us in a state of malaise. Ronald Reagan's Presidency was what turned things around. Ronald Reagan's economic policies triggered the largest and longest peacetime extension of our economy in the history of this Nation.

Nineteen million new jobs were created. Incomes grew at all levels and new industries and technologies flourished and exports exploded. Why? Because President Reagan, he cut taxes, he slowed the growth of domestic spending and regulation, and he restored faith in what he liked to call the magic of the marketplace.

That magic then caught on all around the globe. Remember, my colleagues, the world in 1980 was a very different place than it is today. The Soviet Union was continuing a massive arms buildup, bolstering the formidable number of missiles already pointed at the West, and at cities right here in the United States of America. Soviet troops were marching literally through Afghanistan. Do you remember that? Eastern Europe suffered under the boot of totalitarian regimes, and the Berlin Wall scarred the face of Europe.

The United States military was described back in those days as a hollow force, and our citizens were held hostage by thugs in a place call Iran. Do you remember that?

Our world today contains pockets of instability, but the simple fact is that democratic tide that has swept this globe in the last 5 years is a direct result of Ronald Reagan's Presidency. The man and his policies were essential to freedom's march across this globe. It was Ronald Reagan who faced down the nuclear freezeniks in this Congress and in Western Europe by deploying the Pershing II in West Germany.

Eventually this deployment and a policy called Peace Through Strength, Mr. Speaker, that you and I helped to formulate, forced the Soviets to the bargaining table. The result in 1987 was the IMF Treaty, the first agreement to eliminate an entire class of weapons. Ronald Reagan turned out to be right on that issue.

It was Ronald Reagan who armed freedom fighters in Afghanistan and in Nicaragua, allowing those nations to determine the course of their own destiny. Ronald Reagan was right.

It was Ronald Reagan who said this country had a moral obligation to defend its citizens from nuclear attach, and that we had to strive for something better than that and the same policy of mutually assured destruction with weapons aimed at every city in America. He said we must work for the day when nuclear missiles were no longer pointed at American cities.

But the experts laughed, and they ridiculed. "This is nothing more than a naive daydream of a silly old man." Do you remember reading those headlines by the liberal press in this country? But you know what, again, Ronald Reagan was right. President Reagan pointed out from the start that the Soviet system was morally and financially bankrupt. Such a system, he argued, could not bear the cost of occupying Eastern Europe.

What was the ultimate result of Ronald Reagan's Peace Through Strength policies? Well, as Ronald Reagan used to say, the Soviet Union collapsed and captured nations all around this world were freed from the atheistic tyranny of the tentacles of communism.

Once again. Ronald Reagan was right.

It was Ronald Reagan who stood under the shadow of the Berlin Wall, which you all remember, and said, "Mr. Gorbachev, tear down this wall." I will never forget his saying that. The experts laughed again, and decried his pleas as a public relations stunt. Do you remember that? But Ronald Reagan was right again as he always was. Ronald Reagan encouraged us to maintain a strong defense in case the United States was forced to defend its interests in any remote corner of the globe, and after all, that is the reason this Republic of States was formed, to provide for a common defense, to protect America's interests around the world.

Given this, should anyone really be surprised that our Armed Forces performed so well during the Persian Gulf war? President Bush and General Schwartzkopf were able to lead our troops magnificently and to bring them home with astonishingly low casualties. Do you remember that? Once again, Ronald Reagan was right. Those of us who served in the House at the time and fought President Reagan's fights right here on this floor were so proud to do so.

I was honored that President Reagan signed my legislation to create the Department of Veterans Affairs so that we could guarantee that, with an all-volunteer military, it would work.

As a member of the House Committee on Foreign Affairs. I was so, proud to carry his water for a foreign policy respected around the world by friends and foe alike, and it was a privilege to join these battles, looking back at the enormous good that came of those policies. But, Mr. Speaker, more than any specific policy, we must salute Ronald Reagan's ability to bring out the best in us as a nation. He consoled us on the evening of the *Challenger* disaster. Do you remember that? It was a sad day in our history.

And on the 40th anniversary of the D-Day landing. Mr. Speaker, President Reagan painted a vivid picture of the scene on that day and genuinely proposed that we, we dedicate ourselves to the cause for which those soldiers gave a last full measure of devotion.

He never offended us with staged prayers or phony flag placements. He words and his gestures were all genuine, and, as proud as we should be of his many accomplishments, Mr. Speaker, it is a sad commentary that it took over 5 years longer, over 5 years longer, to tear down the wall of resistance to the line-item veto and the balanced budget amendment. It took 5 years longer than it did to tear down the Berlin Wall and the Iron Curtain.

Ronald Reagan inspired a generation of young people to ignore the cynical bombardment of the media and hold dear the American heritage: "hopeful, big-hearted, idealistic, daring, decent and fair," as he described it during his second inaugural address.

Mr. Speaker, last night 1,000 supporters turned out for a birthday party, including the former British Prime Minister Maggie Thatcher, that I attended along with many of you to pay tribute to this great President Ronald Reagan. We were so fortunate to have him as our President during that period of time in the history of our country, and at this time I would yield to a Democrat, one of the finest Members of this House, the gentleman from California (Mr. CONDIT). He is an outstanding Member.

POACHING ON REAGAN'S LEGACY

(By Donald Devine)

As Ronald Reagan celebrates his 87th birthday tomorrow, he is recognized now even by most of his critics as the most influential president since Franklin Roosevelt. Bill Clinton—struggling for mere survival—still tries rhetorically to denigrate this record. But he adds his unacknowledged acquiescence by the facts of his puny budget increases—his voice is forced to request millions and will acquire less, while his heart lusts billions—and his abject submission to his predecessor's vision, by his concession: "The era of big government is over."

As Lady Thatcher put it in her Heritage Foundation lecture, while it is "an irony that it is an administration of instinctive spenders and regulators that now is reaping much of the political reward," the unmistakable fact is that "today's American prosperity in the late 1990s is the result, above all, of the fundamental shift of direction President Reagan promoted in the 1980s." Successor conservative leaders in both his and her countries first departed from this program and then were frustrated that they were unable to re-create it.

Yet, if Ronald Reagan himself ran in the year 2000, he would not run on the Reagan platform. Despite the plethora of rightist leaders trying to poach the Reagan legacy, it is too late: His set of policies is passe. All conservatives can learn from President Reagan now is his basic philosophy and his character. As Dinesh D'Souza puts it in his new book, "Ronald Reagan: How an Ordinary Man Became an Extraordinary Leader," it is sufficient to learn that he "had a vision for America, he was not afraid to act, and he believed in the good sense and decency of the American people." Vision, courage, good sense and decency were the essence of Ronald Reagan, as they were of his view of America. While he deeply valued the conservative values of the Founders, what made him such a leader was his courage and good sense, including being able to see the world both clearly as it was and idealistically as it should be.

There is much talk about optimism being the secret of President Reagan's success. But it was not a sunny optimism that skirted tough issues. As Mr. D'Souza documents, he often went courageously against literally all "expert" opinion, not only on obviously big issues such as his refusal to concede the Strategic Defense Initiative to get an arms agreement with the Soviet Union but also when he boldly confronted Libya, invaded Grenada, shut down the air controllers union, and even refused to cancel his visit to the Bitburg cemetery. Contrary to those who now see him as assertive generally in foreign policy, he was also prudent enough to be almost disengaged on major foreign issues like South Africa, Chile and Haiti. He had enormous courage to act and the prudence not to risk American treasure nor blood unless absolutely necessary.

While President Reagan will be most remembered for his critical role in ending the Cold War, his domestic legacy of taming the welfare state might be greater in the long run. Many thought he lacked courage here and even Mr. D'Souza believes he did not reduce domestic spending. Yet, the facts show he reduced non-defense spending hundreds of billions, from 17.9 to 16.4 percent of gross national product. Indeed, a return to the Founders' idea of limited government was equal to his passion against the evil empire. At his first Inaugural he was clear he "was not cutting government spending just to save money, but to return power to states, communities and citizens." Consequently, William Kristol and David Brooks' National Greatness Conservatism, when it claims "the revitalization of our local civic culture depends, ultimately, on our national political health," and that "America won't be good locally if it isn't great nationally," has it quite backward in the Reagan philosophy. To Ronald Reagan, it is communities and individual that make us great.

Virginia I. Postrel and James K. Glassman were closer when they responded that Kristol-Brooks conservatives "confuse small government with no government and neutral government with vice." Lacking faith in non-governmental and community institutions to solve problems, "national-greatness conservatives are desperately seeking the moral equivalent of the Cold War" to keep the national government busy. Yet, Postrel-Glassman's emphasis upon individual happiness, private pursuits and avoiding "gloom and doom" at all costs, is at variance with the urgency with which Ronald Reagan viewed America's departure from limited government and how difficult he thought it would be to rebuild private institutions. For he believed big government had grievously wounded the nation and he had a sense of urgency for its reform.

Ronald Reagan was and still would be moved by the fact that 1 out of 3 American children are born to unmarried mothers and that, for the first time in history, these accumulating 1.2 millions per year will not have a family to guide them. His solution would not be some Clinton-Light additional millions to some silly, bureaucratic childcare program but an urgent desire to break the government-supported incentives in welfare that reward this behavior.

Unlike members of Congress prematurely claiming success, he would face the fact that, at the last moment, the Republicans caved on the largest part of welfare and dropped Medicaid reform; and they later kept silent when President Clinton, paying off his public sector union friends, doomed workfare by not allowing those on welfare to get their most likely job, on a government payroll.

Mr. Reagan would not claim success on education because the GOP spent as much as Mr. Clinton but face the fact that only 40 percent of eighth grade urban children have basic reading, math or science skills. More shocking, only 60 percent of suburban students have. That is, even 40 percent in the prosperous areas are not taught basic educational skills in the near-monopoly government schools as a result, not of oversight, but of a plan to de-emphasize these skills because failure to master them might cause lower self-esteem.

Even for those lucky enough to have a family, good education and a real job, leisure is polluted with senseless violence, amoral entertainment and vile behavior from a little box in this own homes.

What is more important than kids and family, friends and neighbors, and one's own living space? Official complacency about them is why polls show Americans are still dissatisfied in the midst of one of the greatest economic expansions in history. When that economic bubble bursts, as it soon will (probably from Asian economic flu), Reagan-like tax and regulatory policy will help revive the economy.

But conservatives need a program for the more fundamental problems too. Real welfare reform, private and charter school voucher scholarships, the strengthening of private institutions by letting them have more of their own money to spend on their own children, families and neighbors, and determined presidential moral leadership to tell Hollywood we simply will not tolerate such filth, is a Reagan program to both fulfill his legacy and celebrate his birthday properly.

Happy birthday, Mr. President, we miss you.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON), my colleague and my dear friend and chairman of the Committee on Rules, for yielding me the customary half-hour, and I yield myself such time as I may consume.

The chairman of the Committee on Rules and the chairman of the authorizing committee, we have all agreed that we fought this battle yesterday, and so I rise in opposition to this closed rule, and I rise in opposition to the idea of changing the name of the local airport against the wishes of the people it serves.

I will submit the rest of my statement at this point in the RECORD.

Mr. Speaker, I rise in opposition to this closed rule and in opposition to the idea of changing the name of a local airport against the wishes of the people it serves.

Mr. Speaker as I said yesterday, I have every respect for former President Reagan. He had an enormous impact on this country and he deserves to be remembered.

And this bill, the Senate bill, which leaves the name Washington National Airport and tacks on Ronald Reagan at the beginning is a slight improvement over yesterdays.

But the fact remains this Congress is still proposing renaming an airport despite very

strong local opposition. This Congress is proposing having the Federal Government run roughshod over the local airport authority President Reagan never would have done that.

Today's action Mr. Speaker, is despite the bill which President Reagan himself signed into law in 1986 ceding management responsibility of this very airport to the Metropolitan Washington Airport Authority.

I want to add, Mr. Speaker, that the responsibility that President Reagan so wisely handed over to the local airport authority includes the right to change the name of the airport and the right to keep the name just as it is.

So I do not believe we do President Reagan's philosophy of empowering localities any justice by completely ignoring their wishes on the name of their airport.

The Airport Authority does not want the name changed, the county of Arlington does not want the name changed, the Greater Washington Board of Trade does not want the name changed, and the Congressman who represents the district in which the airport is located does not want the name changed.

I'm not sure if my Republican colleagues realize it Mr. Speaker but if they vote to change the name of this airport, it will be the first time ever that Congress has named a building against the wishes of the local representative.

And my very good friend Mr. MORAN has been extremely patient and thorough in his arguments on behalf of his constituents despite this bullying and we should respect him as each of us would expect to be respected.

Because, Mr. Speaker today we must let JIM MORAN speak for the 8th District of Virginia lest tomorrow someone try to speak for any one of us.

I urge my colleagues to defeat this closed rule, it is unfair, it contradicts the very ideas President Reagan espoused, and it does not do justice to the memory of one of this centuries most loved Presidents.

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

Mr. SOLOMON. 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.

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 349, I call up 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.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 349, the Senate bill is considered read for amendment.

The text of the Senate bill is 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".

The SPEAKER pro tempore. Pursuant to House Resolution 349, 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. Speaker, I yield myself such time as I may consume.

All we are doing here today is adding the word "Washington" to the legislation that we passed yesterday. Yesterday we passed legislation renaming the airport the Ronald Reagan National Airport. We are taking the Senate version, which inserts the name "Washington" and makes it the Ronald Reagan Washington National Airport. By agreement with our friends on the other side, we do not expect a rollcall vote on this matter and expect it to move expeditiously.

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

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

I rise in opposition to the conference report for all the reasons I articulated yesterday, and without recapitulating them, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

I think that a recommittal would have been in order today personally, but we had a full debate yesterday. We understand that the majority of this Congress has chosen to rename this airport, and we respect the majority, obviously.

I do want to take a couple minutes here, because I do think that it should be said for the record that renaming this airport does constitute an unfunded Federal mandate on local governments. The cost involves more than just changing a few signs and reprinting stationery. Millions have been invested by the local governments, the private sector, the airlines, the travel hospitality industries to promote this region and identify Washington National as the gateway to the Nation's capital.

□ 1300

So the Board of Trade's assessment is probably an understatement, that it would be confusing and expensive. The total amount might be in millions of dollars for new ad campaigns to associate the airport's new name with the location it serves.

We felt it was ironic that part of President Reagan's legacy was the successful transfer to local control of Washington National Airport. All of the locality organizations and the local governments oppose this.

But I think at this stage in the process, Mr. Speaker, that we want to also be clear that it is entirely appropriate to give some positive recognition to Ronald Reagan on his birthday. We felt it was not the appropriate recognition; but, given the fact that the majority of the Congress has spoken, I do not think that it would be appropriate to force people to go through what has got to be an embarrassing situation for the Reagan family and for everyone who wants to find an appropriate way to memorialize President Reagan.

He will be memorialized soon with the new Federal trade building, the aircraft carrier and so on. But if this is the wishes of the majority, then we will not ask for a recommittal. We will not ask for a rollcall vote. We will just ask that in the future, that the interests of the minority, and particularly of local governments, gain greater respect from the majority so that in the future we can be more consistent with what we thought was President Reagan's underlying philosophy that local governments ought to have greater say in the things that affect their daily lives.

So, with that, Mr. Speaker, I will sit down. I will not fight this battle again, at least this year. Maybe people will recognize that what goes around can come around. But at this point, I think the majority of this body would like to put this issue to rest and go home and try to deal with more constructive issues in the future.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I read in the morning papers that the President has said he will sign this bill. And, with that comment, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

The bill is considered read for amendment and, pursuant to House Resolution 349, the previous question is ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2625) 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 S. 1575, the Senate bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 182

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 182.

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

There was no objection.

DISAPPROVING THE CANCELLATIONS TRANSMITTED BY PRESIDENT ON OCTOBER 6, 1997, REGARDING PUBLIC LAW 105–45—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the veto message and the bill (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45, from the President of the United States.

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

There was no objection.

(For veto message, see proceedings of the House of November 13, 1997, at page H10942.)

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from California (Mr. PACKARD) is recognized for 1 hour.

Mr. PACKARD. Mr. Speaker, I yield the customary 30 minutes to the gentleman from North Carolina (Mr. HEFNER) for purposes of debate only, pending which I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the veto message and the bill, H.R. 2631, from the President of the United States, and that they may include tabular and extraneous materials.

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

There was no objection.

Mr. PACKARD. Mr. Speaker, I rise to urge all Members to vote to override the President's veto of H.R. 2631, a bill disapproving the President's line item vetoes of the Military Construction Appropriations bill.

Mr. Speaker, I do this for three simple reasons. First, in his first-ever use of the line-item veto on an appropriations bill, the President used this new power in this instance carelessly and casually without doing his home work. The administration did not even consult with the Pentagon.

The administration admitted making several mistakes. The President said he would correct these mistakes by putting these projects in the fiscal year 1999 budget. Well, we have just received the fiscal year 1999 budget, and only one of the 38 projects that he line-item vetoed was put in his budget proposal, so he has not corrected his mistake. We simply want to make those corrections today.

Second, according to the Pentagon, all of these projects are executable and address valid and military requirements. By executable, I mean they are executable in this fiscal year. In fact, we ran all of these projects through the Defense Department and not one raised any objections.

Nearly all of these projects are in the Pentagon's 5-year plan. Each of these 38 project were scrubbed very carefully by our subcommittee.

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Finally, all of these projects were approved by the authorizing committee and fall well within the budget limits set by Congress. There is absolutely no wasteful spending. In fact, Members should all know that spending on military construction has been reduced significantly every year for the past 3 years, an 18 percent cut in the past 2 years from $11 billion to $9 billion.

We gave the President the line item veto power and authority to use judiciously. I still support the President having that power, and whether my colleagues support the President having the authority or not, they should not support the misuse of that authority. A vote today to override is not only a vote for our men and women in uniform, it is a vote to ensure that the line item veto is used fairly, carefully and responsibly in the future.

Last September, 413 of us here in this body voted for these projects when the conference report came to the floor; 352 of us voted to disapprove the President's line item veto of the 38 projects. That vote was last November 7. Nothing has changed. There is no reason for anyone to change their vote from aye. I urge every Member to restore these quality of life projects to our men and women and families in the military service by voting aye on this override resolution.

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

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

This is a first for this committee. We have worked very diligently in the past years when I was the chairman of the committee and we worked with staff. The staff did a tremendous job. We had hearings. We had people come in from all of the services, and we worked together as a bipartisan group to put together what we thought were bills over the past years that were in the best interest of our men and women in service.

We have had to fight some difficult battles because our budget has been shrunk, and we have actually been in free fall for a few years, and we are not even up to what we were several years ago. It is a little bit disappointing that the President and the folks down at the other end of Pennsylvania Avenue would be looking for some things to scratch in this bill. I think they are absolutely misguided in their direction on our bill.

Some of the folks said that these were not already designed, but most of these projects could be completed, they are in the 5-year plan. Not everything has to be a certain percentage designed because some of them are off of the shelf, and they can be implemented right away. They are all good projects. They have been considered by four committees, and they all have a contribution to our national defense.

I spoke against and was totally opposed to the line item veto because I do not think it serves democracy very well. And so the Members that would say, I voted for the line item veto and I cannot very well go back on my vote, if they read this bill and if they look at the things that it does, when they voted for the line item veto, they did not take a blood oath that anything that was vetoed that they would go along with. That is not the way our democracy works.

This is a good bill. It has been well thought out. The staff did a tremendous job along with the other body. It is a bipartisan bill and has absolutely,

to our knowledge, it has absolutely no errors in it. Of course that would be speaking a little bit presumptuously to say that there are no errors, but this is a good bill. Everybody in this House should vote to override this veto. I would ask that Members give us their vote on overriding the President's line item veto.

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

Mr. PACKARD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me tell my colleagues, I rise in the strongest support for this vote to override the President's veto. This is both a pro-defense and a pro-line item veto vote that we are going to be casting.

As the chief proponent and the author of the line item veto, and I believe very strongly in it, the line item veto was written to give any President, regardless of party, the authority to highlight questionable spending provisions in omnibus bills in his judgment. Likewise the law was written specifically to protect Congress's ability to defend its spending decisions and priorities by providing for expedited consideration of bills to disapprove of the President's actions and, if subsequently vetoed, to use the constitutional process to override that veto.

This is stage four in the line item veto process. First Congress passed the military construction appropriations bill. Second, the President exercised his line item veto authority to cancel 38 provisions from that bill. Third, the House and Senate voted 352 to 64 and 69 to 30 respectively for a bill disapproving the cancellations. Today we reach stage four in the process.

Let me just say this to my colleagues. The reason they need to come over here and vote to override this veto is this: We wrote the line item veto so that any items that are vetoed and those vetoes stand, it takes away from the overall appropriation. In other words, we reduce the amount of money we are going to spend on our defense budget. That has already reached the low figure of 15 cents on every dollar.

The reason that we are here today in this Congress is to provide for the common defense for our 50 States. That is the main reason we are here, and we are close to going back to 1979 when we had to cannibalize 15 helicopter gunships just to get five that would work. And then three of those failed, and so did the rescue of our hostages. Let us not go back there. Let us come over here and vote to override this veto.

Mr. Speaker, I rise in strong support of this vote to override the President's veto of the Military Construction Appropriations disapproval bill, pursuant to the Line Item Veto Act.

This is both a pro-defense and a pro-line item veto vote.

As a chief proponent of the line item veto in the House and as Chairman of one of the Committees charged with oversight over that law, I believe such an action would be fully consistent with the intent of the line item veto.

The line item veto was written to give any President, regardless of party, the authority to highlight questionable spending provisions in omnibus bills.

Likewise, the law protects Congress' ability to defend its spending decisions and priorities by providing for expedited consideration of bills to disapprove of the President's actions and if subsequently vetoed to use the Constitutional process to override that veto.

This is stage four in the Line Item Veto Process. First, Congress passed the Military Construction Appropriations Bill for FY 1998. Second, the President exercised his line item veto authority to cancel 38 provisions from that bill.

Third, the House and Senate voted 352–64 and 69–30 respectively for a bill disapproving those cancellations last November. Today we reach stage four in the process. As provided in the Constitution, Congress can override the veto of such canceled provisions with a two-thirds vote of both Houses.

Indeed the fact that this measure is on the floor of the House today demonstrates that the line item veto process works and that Congress' Constitutional prerogatives are protected.

Under the line item veto, any canceled dollars are dedicated to deficit reduction, as the spending cap for the affected bill is lowered by the value of the cancellations. In this particular instance the spending ceilings for defense programs would be reduced by $287 million.

However, if these provisions are overridden total defense spending would not be reduced. This is the 13th straight year of inflation-adjusted cuts in the defense budget. No other major account in the entire federal budget has been reduced by this much.

Consequently, it is imperative that we maintain the current level of defense spending to ensure that we equip our uniformed men and women with the best that money can buy and that research and development can obtain.

Congress can agree with granting the President line item veto authority while disagreeing with how that authority is exercised.

This is clearly the case here today. Each member is able to look at each cancellation individually and decide for themselves whether or not to vote to override the President's action.

The line item veto law provides Members that opportunity and I am proud to stand here today with my colleagues in casting a strong vote in favor of overriding the President's veto. This is a yes vote for our national defense and a yes vote for the line item veto.

Mr. PACKARD. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. SKEEN), chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

Mr. SKEEN. Mr. Speaker, I support the override of the President's veto.

I rise in support of the override of the President's veto of H.R. 2631, the military construction line-item disapproval bill.

Passage of this legislation is necessary to correct the mistakes that were made during the President's vetoes of 38 projects included in the bill which passed the House by a wide margin last year.

I thank the leadership for allowing this bill to come to the floor, and I am especially grateful to Chairman PACKARD and Mr. HEFNER for their work in shepherding this legislation.

This bill has been called by several of my colleagues as the "military construction line item integrity bill," since this legislation restores integrity to the line-item veto process by ensuring that decisions are made on the basis of facts, not mistakes.

The Office of Management and Budget has acknowledged that mistakes were made which led to the President's line-item vetoes, and passage of this legislation would allow those mistakes to be corrected.

This bill has broad bipartisan support, and has received the endorsement of the National Guard Association of the United States.

I ask all of my colleagues in the House of Representatives to support this legislation to ensure that our laws are based on factual information, not mistakes and erroneous information.

Mr. HEFNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

I would like to take just a moment to thank the gentleman from North Carolina (Mr. HEFNER), this being his last year, although we will get to work together on the next bill, but I want to tell him personally how much I appreciate the work he has done on this bill.

He certainly has been a joy to work with and has made a great contribution to our country and to our men and women in the services. This bill reflects his priorities as it does mine. It has been a real pleasure to work together.

Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

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

I want to rise in strong support of H.R. 2631. I want to give my colleagues one good example why it is appropriate to do that. On the Subcommittee on Asia and the Pacific, I became familiar with a proposal of a particular construction project in Fort Derussey, Hawaii. It is to relocate the Asian Pacific Center for Security Studies to a building that is existent. It is used as a reserve center. This center today is renting very high-cost space. That building is waiting to be renovated. All parties concur that this was an appropriate and agreed decision and appropriation item. Its inclusion on the veto list was an inexplicable error that ought to be corrected by our override on the veto.

Undoubtedly there are other such cases in the hastily prepared and inadequately vetted veto list, but this is one that saves the taxpayer money. Everybody agrees it should have been

done. It was inexplicable error. It is another reason why we should vote to override the veto.

I thank the gentleman for yielding me this time.

Mr. Speaker, this Member rises in strong support of H.R. 2631, legislation to override the President's veto of military construction programs. Certainly, the President has the authority to exercise the line-item veto on occasion when fiscal responsibility demands. No one disputes that prerogative; however, this authority must be exercised very judiciously.

This Member would tell his colleagues that there are many meritorious programs that the President targeted for elimination without careful consideration of the consequences. In particular this Member would point to one particular construction project, that of Fort Derussey, Hawaii. This is to become the future home of the Asia-Pacific Center for Security Studies which was established in September 1995.

Relocating the Asia-Pacific Center from its current location to Fort Derussey will eliminate a very major rental cost now being borne by the Center and the American taxpayer. It makes sense to use the existing U.S. government facility after renovations rather than continue to pay the high rental costs. All parties concur that this is the proper and agreed decision and appropriations item. Its inclusion on the veto list was an inexplicable error that ought to be corrected by our override vote of the veto. Undoubtedly, there are other such cases in the hastily prepared and inadequately vetted veto list.

The Asia-Pacific Center's mission is to serve as a focal point where national officials, decision makers, and military officers of the United States and other Asia-Pacific nations gather to explore pressing issues and achieve a greater understanding of the challenges that face the Asia-Pacific region. This center can help foster early rapport among the leaders of tomorrow and promote U.S. interests throughout the region.

Mr. Speaker, this Member urges support for H.R. 2631.

Mr. SPENCE. Mr. Speaker, I rise in support of the motion to override the President's veto of H.R. 2631, legislation to restore funding for the 38 military construction projects which were proposed for cancellation late last year.

The projects proposed for cancellation by the Administration are among the most heavily reviewed military construction projects in history. This vote will mark the sixth time the House has rendered judgment upon them. In every case, support for these projects has been overwhelming and I hope the same will be the case today.

The facts are clear. First, each of these projects meets a validated military requirement. Second, each of the 38 projects is executable in this fiscal year. Third, nearly all of these projects—85 percent—are in the Administration's own defense program. And fourth, the $287 million to complete these projects are within the limits established by the budget agreement.

The Administration admits mistakes were made in the extensive exercise of the line-item veto on the Military Construction Appropriations Act and, it is my understanding, that the Administration no longer opposes this legislation.

The evidence on the public record provides ample justification to restore these projects. I urge my colleagues to support the restoration of funds to meet critical facilities shortfalls affecting the armed forces. I urged the House to support H.R. 2631.

Mr. STENHOLM. Mr. Speaker, I rise today to express my support for H.R. 2631, the Military Construction Veto Disapproval. I have the privilege of representing Dyess Air Force Base in Abilene, Texas. One of the thirty-eight projects stricken from the military construction bill was in my district so I have a very personal interest in this legislation, but I believe that the President made the decision to strike many projects in the bill based on poor advice and inaccurate information.

One of the reasons the President gave for vetoing these projects was that they did not meet a so-called "quality of life" requirement. I don't know what the President's definition of quality of life is, but I do know this: these thirty-eight projects which were eliminated included facilities to provide a safe working place for the men and women we entrust with the defense of our nation.

In the case of the squadron operations facility to be built at Dyess Air Force Base, there are currently no existing facilities to house the 13th Bomb Squadron. Without this facility, the men and women of the 13th Bomb Squadron will be denied the tools they need to do their jobs.

How does this add to their quality of life or their ability to discharge their duties? "Quality of life" involves a great deal more than housing and child care facilities and gymnasiums, although those are very important. I cannot imagine how the quality of work life could be much worse than importing 500 to 1,000 men and women to do a job without any facilities in which to house that work.

The projects line item vetoed by the President were included in the military construction bill because they are essential to the mission of our military. Most of these projects were included in the five-year plans of the military services so that the money for these projects will be spent eventually. These projects were considered by four different Congressional committees with expertise in the area of national security and were reviewed by the Pentagon. The House and the Senate voted by overwhelming majorities to approve the military construction appropriation act.

Yet the President and his staff acting in haste crafted a new criteria for military construction projects—quality of life. While I do not oppose the use of quality of life as a consideration for determining the merit of a project, it should not be the only criteria, and it should be clearly defined and fairly applied. In the case of the 13th Bomb Squadron Operations Facility and many of the other projects cancelled by the President, it was not. The President incorrectly substituted his judgment for that of the Congress and the Pentagon. I urge my colleagues to support our men and women in uniform by voting again to override the President's line item veto to restore these projects.

Mrs. FOWLER. Mr. Speaker, I rise to express my strong support once again for H.R. 2631, legislation to override the President's line item vetoes of projects in the fiscal year 1997 Military Construction Appropriations Bill.

Last October 6, the President line item vetoed 38 military construction projects worth $287 million. The other body overruled him on October 30, by a 69–30 vote. The House followed suit on November 8, voting 352–64 to restore funding. Despite two-thirds margins in both Houses, however, the President vetoed the bill disapproving his line item vetoes.

There are many reasons why Members should support this bill. Every one of the 38 vetoed projects was properly authorized by Congress. Every one of them met strict criteria established by the committees with oversight for military construction. The vast majority—33 of the 38—were in the Pentagon's 5-year plan, and those that were not were only absent because they were emergent requirements. And the inclusion of all of these projects was completely consistent with both the Congress' constitutional responsibility to provide for and maintain our Armed Forces, and the fiscal year 1998 budget resolution.

When President Clinton originally signed the bill giving him line item veto authority, he argued that it would help him cancel projects that are "special interest boondoggles, tax loopholes or pure pork."

However, according to OMB Director Franklin Raines, "the great majority, if not the overwhelming majority of these [vetoed] projects can make a contribution to our national defense." Moreover, in vetoing these items, the President himself said that these projects "have merit but should be considered in the future."

Then, after the vetoes, the administration itself admitted that it acted on erroneous data. Initially, the White House said two projects should not have been vetoed. Later, the number grew to 11. Still later, the White House admitted to as many as 18 mistakes.

Finally, I should note that anyone inclined to support the President's position should understand that they are not saving money by endorsing his vetoes. Rather, they will be costing the American taxpayer more money. These projects will all get built, because they are all validated military requirements and are in the services' extended budgets. Postponing them will only drive up costs due to inflation.

Given all of these considerations, I believe every Member ought to support the override bill. These projects were not pork, but had merit. The process that the administration used to select them was deeply flawed. Postponing construction of these projects will only cost more money.

I urge my colleagues to support this bill.

Mr. BISHOP. Mr. Speaker, I rise today as a strong supporter of this bipartisan bill which would disapprove the President's line-item vetoes of 38 critically-important projects included in the fiscal 1998 Military Construction Appropriations Act. Each of these projects is needed by the military. Each complies with the spending limits established by the Balanced Budget Act of 1997. And each, if funded, can be started during this current fiscal year.

I can speak about one of these projects from first-hand knowledge.

Included in the vetoes was $6.8 million to construct an operations and training facility for

combat-ready rescue personnel in the 41st Rescue Squadron based at Moody Air Force Base in Valdosta, Georgia, located in the District I represent. The job they do is dangerous and absolutely essential to the safety and well-being of our airmen and civilian populations on the ground. These highly-trained rescue specialists not only serve areas of Georgia and Florida in the general vicinity of the base, it is believed they perform more deployments throughout the world than any other Air Force units. Rescue personnel from Moody are assigned right now to the Persian Gulf.

They were transferred to Moody Air Force Base from Patrick Air Force Base during the first six months of last year. Although there was no available building for these units at Moody, the Air Force planned to build one as quickly as possible. Meanwhile, they had to be housed in temporary, rented trailers at a cost of $108,000 a yeers at a cost of $108,00s are cramped and totally inadequate for the work these units do, including operations planning and on-going training exercises.

If anyone can overcome difficulties such as this, it is the men and women who serve in our armed forces. But it will be a disgrace if we, in Washington, D.C., keep these rescue units stuck in crowded temporary facilities any longer than necessary. We will fail in our responsibility if we send these troops into harm's way without providing them the basic support they need.

It will also be more costly. Not only will construction costs go up, we will continue paying the rent—and that is pure waste.

I believe the Administration acted in good faith. These are projects they truly believed could wait. But, I also believe the White House was acting on misinformation.

Based on the veto message, the White House apparently thought the rescue personnel had not yet been relocated to Moody, that the planning was not far enough along for construction to begin this fiscal year, and that this was not a quality-of-life project.

This was incorrect on all counts.

The rescue personnel had been transferred months before. Work can begin this year. Without question, providing adequate working conditions for military personnel, and particularly for those involved in life-and death operations, is a quality-of-life issue.

In fact, a number of these vetoes were evidently based on mistakes.

Moreover, there is no question that each and every one of the vetoed projects is needed for military readiness.

I urge my colleagues to vote "yea" on this bill and live up to our responsibility to provide our military forces the basic tools they need to carry out the missions that keep our country secure and help protect freedom throughout the world.

Mr. OLVER. Mr. Speaker, I rise in support of MILCON veto override.

Most of the projects on the President's cancellation list were in the Pentagon's future years defense plan.

All of them are executable this fiscal year.

Three of the projects were Air Force Reserve projects, and together they represent 50 percent of the Air Force Reserve's construction budget for fiscal year 1998.

While the active Air Force and the Air National Guard have suffered some cuts over the last few years, the Air Force Reserve's MILCON Program is literally being driven out of existence.

The President's fiscal year 1999 budget submission includes only one new Air Force Reserve project. One project. That's it.

Enough is enough.

The MILCON bill was the only appropriations bill where fiscal year 1998 spending was below fiscal year 1997.

I urge all of my colleagues to support motion to override.

Mr. GOSS. Mr. Speaker I thank my friend, the distinguished chairman of the Military Construction Appropriations Subcommittee, for yielding.

I rise in support of this override effort because I am a strong supporter of the line-item veto and the process it provides for ensuring careful scrutiny of Federal spending. In this case, Mr. Speaker, Congress is asserting its power of the purse, insisting to the President that we have carefully considered the items in the military construction spending bill that the President—I believe in haste and in error—chose to line-item veto. Contrary to the claims of some naysayers, we did not write Congress out of the spending process when we crafted the line-item veto. Quite the contrary, in fact, we provided very explicit procedures by which Congress could assert its authority—as we witness by today's proceedings.

Some pundits and even some Members have pointed to the President's application of the line-item veto on the military construction spending bill as an example of why the line-item veto isn't a good idea. I firmly disagree. The line item veto has accomplished exactly what those of us who spent years bringing it about intended—it has brought greater accountability and sunshine to the process of spending the taxpayers' money. And it has provided a real opportunity for saving more than one point $2 billion. Sure, in the cynical world of budgeteers and inside-the-beltway types, that may seem like a rounding error—but to the American people, $1.2 billion is serious money. And there's more to come, I am sure. I share with many of my colleagues some disappointment that this President did not spend more time and take more care in developing sound criteria and preparing to use the powerful new tool we delegated to him in the form of the line-item veto. But I remain firmly committed to the idea that we did the right thing by implementing the line-item veto—and I hope this exercise of override will chasten the administration to think first and line item second during the upcoming budget cycle. I urge support for this override effort.

Mr. PACKARD. Mr. Speaker, I am aware that there are others that have come on the floor that want to speak, but in deference to my colleague from North Carolina, who has yielded back the balance of his time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 347, nays 69, not voting 14, as follows:

[Roll No. 10]

YEAS—347

Abercrombie
Aderholt
Allen
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy

Portman	Sessions	Thomas
Poshard	Shadegg	Thompson
Price (NC)	Shaw	Thornberry
Pryce (OH)	Shimkus	Thune
Quinn	Shuster	Thurman
Radanovich	Sisisky	Tiahrt
Rahall	Skeen	Tierney
Redmond	Skelton	Torres
Regula	Slaughter	Traficant
Reyes	Smith (NJ)	Turner
Riggs	Smith (OR)	Velázquez
Riley	Smith (TX)	Visclosky
Rodriguez	Smith, Adam	Walsh
Roemer	Smith, Linda	Wamp
Rogan	Snowbarger	Waters
Rogers	Snyder	Watkins
Ros-Lehtinen	Solomon	Watt (NC)
Roukema	Souder	Watts (OK)
Roybal-Allard	Spence	Weldon (FL)
Rush	Spratt	Weldon (PA)
Ryun	Stabenow	Weller
Sabo	Stearns	Weygand
Sanders	Stenholm	White
Sandlin	Stokes	Whitfield
Sawyer	Stump	Wicker
Saxton	Sununu	Wise
Scarborough	Talent	Wolf
Schaefer, Dan	Tanner	Woolsey
Schaffer, Bob	Tauscher	Young (AK)
Schumer	Tauzin	Young (FL)
Scott	Taylor (MS)	
Serrano	Taylor (NC)	

NAYS—69

Ackerman	Greenwood	Ramstad
Andrews	Gutierrez	Rangel
Barrett (WI)	Harman	Rivers
Boswell	Johnson (WI)	Rohrabacher
Brown (OH)	Kanjorski	Rothman
Carson	Kind (WI)	Royce
Chabot	Klug	Salmon
Conyers	Leach	Sánchez
Davis (FL)	Lofgren	Sanford
DeFazio	Luther	Sensenbrenner
DeGette	Markey	Shays
Deutsch	Martinez	Sherman
Dickey	McCarthy (MO)	Skaggs
Doggett	McDermott	Smith (MI)
Dooley	McKinney	Stark
Duncan	Meehan	Strickland
Engel	Miller (FL)	Stupak
Ensign	Minge	Towns
Ewing	Neumann	Upton
Filner	Nussle	Vento
Frank (MA)	Owens	Waxman
Franks (NJ)	Payne	Wexler
Ganske	Petri	Yates

NOT VOTING—14

Armey	Furse	McKeon
Becerra	Gonzalez	Porter
Burton	Hall (OH)	Schiff
Dellums	Herger	Wynn
Eshoo	Klink	

□ 1345

Ms. LOFGREN and Messrs. SHAYS, SALMON, MARKEY and GREENWOOD changed their vote from "yea" to "nay."

Mrs. TAUSCHER, Mrs. MALONEY of Connecticut and Messrs. NADLER, RUSH and PALLONE changed their vote from "nay" to "yea."

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SUNUNU). The Clerk will notify the Senate of the action of the House.

PERSONAL EXPLANATION

Mr. McKEON. Mr. Speaker, because of official business I was not present for Roll Call votes 7, 8, 9, and 10. Had I been present, I would have voted "aye" on each of these votes.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, on rollcall No. 10, I was unavoidably detained making remarks to a business association headquartered in downtown Washington and was, for that reason, not present for the vote.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HALL of Ohio. Mr. Speaker, on roll calls #8, #9, and #10, I was unavoidably absent because of activities connected with this morning's National Prayer Breakfast. Had I been present, I would have voted nay on roll call #8—ordering the previous question on H. Res. 348; nay on roll call #9—final passage of H.R. 2846; and yea on roll call #10—final passage of H.R. 2631.

(Mr. DELLUMS asked and was given permission to speak out of order for 5 minutes.)

FAREWELL SPEECH OF THE HONORABLE RONALD V. DELLUMS

Mr. DELLUMS. Mr. Speaker, it is with an incredibly heavy heart that I take the well of the House of Representatives today because this will be the last time that I will do this.

I have served in these chambers for 27 years, and it has been an extraordinary honor and high privilege to serve with all of my colleagues here.

I came to Congress in January of 1971, against the backdrop of a very tumultuous era in the history of this country. The civil rights movement, the struggle for the liberation of many oppressed and downtrodden people in this country, the struggle for the liberation of women, peace in Vietnam, the notion that peace was a superior idea to war, the concern for the fragile nature of our ecological system. I came at a very unique era, at a very interesting and tumultuous period in this country.

I had to try to make sense out of all the music and anger and pain that I heard in Oakland and Berkeley and in the Bay area and in the country at that time. I was not to know that Berkeley and Oakland, in the mind's eye of many people, was so extraordinary and that when people wanted to lash out at what they thought Berkeley represented at that period in American history, they could not lash out at an abstract idea or at a city, but they could lash out at that person that was the representative of that community.

But I am just a guy. And if you hit me, I hurt; and if you cut me, I bleed. And there were many times when you hit me hard and you cut me deep. And there were times when I went to my office at night and sometimes in the dark, with tears in my eyes, I would pray to just have the strength to march back to the floor of the United States Congress with my pride and my dignity and to continue to try to fight back.

Over the years, I tried to extend to every one of my colleagues, on both sides of the aisle, the greatest respect that I could give you, and that is to give you my undivided attention, to listen to you.

Well, a couple nights ago my colleagues had a special order. And it was about me, so I listened with great care. The first thing I want to tell you is that one thing I thought is, no matter how old you are, you are always your mother's boy. And I sat here thinking, I wonder if my mom is watching.

The first person that called me when I got home was my mom. She was watching. And she asked me to thank all of you for your kind and generous remarks. And I thank you because you made my mother feel great pride and great joy, and thank you for that.

You used many adjectives. You said, "He is the fairest guy I ever worked with." Well, I was fair because I think that this process cannot function without fairness, that the cornerstone of this institution, what makes a representative democracy real, what makes this at the end of the day the people's branch of Government, is that it has to be rooted in the essence of fairness.

And when I first walked in the door, I was not often treated fairly. But I recognized that, as Martin Luther King, Jr., taught me, was that I could not be the flip side of the same coin, that I had to be willing to try to take the moral high ground, to not respond in the way that people responded to me. So I leaned over backwards to be fair. Because if this place is to be about anything, it has to be about fairness.

Some of you, in your accolades, used the term "integrity." The reason why over the years I insisted that the process have integrity is because, without it, I recognized that the ideas that I came to espouse, the constituency that I represented, their hopes and their dreams and aspirations would never have a chance unless the process had integrity.

So the reason why I was willing to stand in defense of the most junior Democrat, the most junior Republican, or to make sure that the most conservative Member had the right to speak out was because to deny that person the right to speak was to diminish myself and to deny me the right to speak. And for me not to challenge any of you on the basis of your ideology and your philosophy in terms of your ability to have input meant that I was acquiescing to anyone denying me, based upon my political views, an opportunity to speak.

This institution cannot function without fairness and without justice.

And, so, I tried to do that. There have been times in these chambers when pettiness, challenges of personality, and partisanship have been the order of the day.

Some of my colleagues said rarely have they ever heard DELLUMS take the well as a partisan. You know why? Because I came to realize early on that campaigning had to take place outside these chambers, that once we walked onto the floor of Congress, the dynamic changed, the paradigm changed. At that point, it was not about campaigning and politicking; it was about the incredible responsibility of governance.

And irrespective of your political views, we have to find some way to come here intellectually, honest enough to say, how do we now, based upon the judgments of the people, with far-ranging perspectives, interests and views, manage to govern this country.

Too often, we have fallen apart at that level.

Some of you said to me, "Ron is about ideas and not about personalities." At the end the day, my friends, it is never about personalities. We spend a lot of time attacking each other at the level of personalities.

For any of you where, in the fit of battle, you ever even interpreted that I came personally, I take this moment to profusely apologize to you. It was never about personal battles. It has always been about ideas. Individuals come and go, but ideas must ultimately transcend, and ideas must ultimately prevail.

It has been an incredible honor to serve in the House of Representatives. Incredible. Late night talk show hosts' jokes notwithstanding, it has been a privilege to serve here, an honor to serve here. To get up every day and put on your uniform and put on your tie and march to the floor of Congress knowing that, in your hands, in that card, in your very being, you have life and death in your hands, it is an incredible thing.

Try not to take RON DELLUMS too seriously. I am just a guy. But I always took my job with deadly seriousness.

There were times when a few of us almost went nose to nose. And people said, "RON, you are a man of peace. How could you be angry?" I said, "I am a man of peace; but I didn't necessarily say I was always a peaceful man. You can make me angry."

But I learned something. I met an incredible man. His name was Nelson Mandela. His strength, coming after 20 some years in prison, I recognized that his strength and his power laid in his tranquility.

I said, "Here is a man that has learned to harness his anger, to discipline his pain, to harness his desire to retaliate." I said, "That is what I need to try to move myself toward, the ability to discipline and harness and challenge the anger so that, ultimately, it is one of constructive engagement with people around problem solving."

I leave here not as a cynic. And there have been days when this place has been at an all-time low, we all know this, but I do not leave cynical. I leave with my idealism and my enthusiasm intact because, when you look around, each of us have had the privilege of walking to the floor of Congress with the total freedom to express ourselves across whatever lines divide us, to say whatever we felt was important to say. That is an incredible gift, and I am privileged to have had that opportunity to have that gift.

For those of you who stop long enough to try to see me in more than one dimension, thank you. For those of you who stop long enough to embrace me as a friend, thank you. For those of you who came together with me in the spirit of battle, to try to right the wrongs, to challenge the evils, to make this world a better place for our children and our children's children, thank you. For those of you who each day just said, hi, RON, thank you.

I leave you with just one challenge. Continue to battle on behalf of the people.

I raise the question that I raised once with the Speaker GINGRICH. I said, Mr. GINGRICH, if we are successful in tearing down this institution, what podium do I mount to advocate on behalf of my constituency?

So let us be guided by wisdom and judgment.

You call me civil. Well, I came from a generation that was in a hurry. I walked in the door. I wanted to kick the door in and bring change immediately.

My generation said, peace, when do you want it? Now. Freedom, when do you want it? Now. So I was impatient. But you folks taught me the two most incredible lessons of life, the lesson of patience and the lesson of humility.

You forced me to have to walk up and down that Hill 27 years in a row fighting the same old battles. You taught me that I was not a cocky dude, that one guy against 434 could change the world. But if we care about each other and we respect each other and we respect this incredible opportunity we have, together we can change the world.

□ 1400

I learned a concept called homeostasis when I was in college, which said that institutions manage to find a way to come into balance. Well, a member of the Gray Caucus is leaving, and the good Judge from Florida grew a gray beard, so the House is in balance on that issue. An old guy is leaving, and a young African-American is coming to be sworn in today. This institution is in homeostasis.

Thank you for caring; thank you for the privilege of working with you. It has been the most incredible and high honor of my life, and I hope that whatever life has in store for me beyond today will be a fraction of the excitement, the enthusiasm and the thrill of serving in this institution.

Thank you very much.

CALL OF THE HOUSE

Mr. OWENS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 11]

ANSWERED "PRESENT"—356

Abercrombie	Davis (FL)	Hinojosa
Ackerman	Davis (IL)	Hobson
Aderholt	Davis (VA)	Hoekstra
Allen	DeFazio	Hooley
Andrews	DeGette	Horn
Armey	Delahunt	Hostettler
Bachus	DeLauro	Hoyer
Baker	Dellums	Hulshof
Baldacci	Deutsch	Inglis
Ballenger	Dickey	Istook
Barcia	Dicks	Jackson (IL)
Barr	Dingell	Jackson-Lee (TX)
Barrett (NE)	Dixon	Jefferson
Barrett (WI)	Doggett	Jenkins
Bartlett	Doolittle	John
Barton	Doyle	Johnson (WI)
Bass	Dreier	Johnson, E. B.
Bateman	Duncan	Johnson, Sam
Bentsen	Edwards	Jones
Bereuter	Ehlers	Kanjorski
Berman	Ehrlich	Kaptur
Berry	Emerson	Kasich
Bilbray	Engel	Kelly
Bilirakis	Ensign	Kennedy (MA)
Bishop	Etheridge	Kennelly
Blagojevich	Everett	Kildee
Bliley	Ewing	Kilpatrick
Blumenauer	Farr	Kim
Boehlert	Fattah	Kind (WI)
Boehner	Fazio	King (NY)
Bonilla	Filner	Kingston
Borski	Foley	Kleczka
Boswell	Forbes	Klug
Brady	Fossella	Knollenberg
Brown (CA)	Fowler	Kolbe
Brown (FL)	Fox	Kucinich
Brown (OH)	Franks (NJ)	LaFalce
Bryant	Frelinghuysen	LaHood
Bunning	Furse	Lampson
Callahan	Gejdenson	Lantos
Calvert	Gephardt	Largent
Camp	Gibbons	Latham
Campbell	Gilchrest	Lazio
Canady	Gillmor	Leach
Cannon	Gilman	Levin
Cardin	Goode	Lewis (CA)
Carson	Goodlatte	Lewis (GA)
Castle	Goodling	Lewis (KY)
Chabot	Gordon	Linder
Chambliss	Goss	Lipinski
Chenoweth	Graham	Livingston
Christensen	Green	LoBiondo
Clayton	Greenwood	Lofgren
Clement	Gutierrez	Lowey
Clyburn	Gutknecht	Lucas
Coburn	Hall (OH)	Maloney (CT)
Combest	Hall (TX)	Maloney (NY)
Condit	Hamilton	Manton
Conyers	Hansen	Manzullo
Cook	Harman	Markey
Cooksey	Hastings (FL)	Martinez
Costello	Hastings (WA)	Matsui
Cox	Hayworth	McCarthy (MO)
Cramer	Hefley	McCarthy (NY)
Crane	Hefner	McCollum
Crapo	Hill	McDade
Cubin	Hilleary	McDermott
Cummings	Hilliard	McGovern
Cunningham	Hinchey	

McHale
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thompson
Thornberry
Thune
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (FL)

□ 1421

The SPEAKER pro tempore (Mr. ROGAN). On this rollcall, 356 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of letter received from Mr. Thomas R. Wilkey, Executive Director, State Board of Elections, State of New York, indicating that, according to the unofficial results for the Special Election held February 3, 1998, the Honorable Gregory Meeks was elected Representative in Congress for the Sixth Congressional District, State of New York.

With warm regards,

ROBIN H. CARLE,
Clerk.

STATE OF NEW YORK,
STATE BOARD OF ELECTIONS,
Albany, NY, February 4, 1998.

ROBIN H. CARLE,
Clerk, House of Representatives, Washington, DC.

DEAR MS. CARLE: Enclosed please find the unofficial results of the Special Election held in the 6th Congressional District of New York on Tuesday, February 3, 1998. The results appear to indicate that candidate Gregory Meeks will be the apparent winner.

The Board of Canvassers will be meeting on Tuesday, February 24 to officially certify the official results, and you will be provided with an official certification at that time.

Sincerely,

THOMAS R. WILKEY,
Executive Director.

SWEARING IN OF THE HONORABLE GREGORY W. MEEKS, OF NEW YORK, AS A MEMBER OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New York, Mr. GREGORY W. MEEKS, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. Will the gentleman from New York (Mr. MEEKS), the Member-elect, along with the Members of the New York delegation come forward and will the Members please stand.

Mr. MEEKS appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the Congress of the United States.

WELCOMING CONGRESSMAN MEEKS

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

Mr. RANGEL. Mr. Speaker and my colleagues, many of us have the great task of succeeding Members of the House of Representatives that have left, as Reverend and Congressman Floyd Flake has, but indeed, the strong keep coming, and we are so fortunate that a young man a few years back was born in East Harlem, saw fit to go to Queens, got his training there, became an administrative judge for workmen's compensation, and then joined the great legislature of the State of New York in the New York State Assembly. And as I look in front of me, it looks like there is hardly a Member of the New York delegation in our Congress that did not serve in our State legislature.

Having served there for 6 years and working hard each and every day, he was selected by the African-Americans, as well as the Puerto Rican Hispanic Members of that group to head up the Black and Hispanic Caucus. He has worked hard, he has got two lovely daughters that are here with his wife, Simone-Marie. His brothers and his family are here to support him as they were during the great election that with more than a half a dozen candidates, he came through with 57 percent of that vote.

At this time I would like to yield to a senior member, the senior Republican Member of our delegation, the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, Chairman RANGEL, serving as the chair of our New York delegation, and my colleagues of the New York delegation, and all of our colleagues, we are so pleased to be able to welcome Mr. MEEKS to the Congress.

Our retired colleague, Floyd Flake, amassed a distinguished record of congressional service. His dedication in fighting for the concerns of his 6th District, his patriotism, his hard work are a testament to the leadership that he displayed, and while Congressman Flake leaves his shoes to fill, his successor seems to me to be able to come with a great potential to do just that.

GREGORY MEEKS comes to the Congress after already having had a distinguished career in public service, graduating from Howard University Law School. He joined the Queens County District Attorney's Office, was quickly promoted to the Office of Special Narcotics Prosecutor, something Mr. RANGEL and I have been working on for a number of years in our battle against drugs. We are pleased to welcome a legislator with the experience and determination in fighting the war on drugs. Congressman MEEKS, I know while he was serving on the New York State Commission on Investigation, directed criminal and civil investigations and major organized crime figures, and we hope he will continue his devotion to fighting crime as he did in the past. We want to commend you and we wish you well. I am pleased to welcome you and your two daughters, Ebony and Aja and your wife, Simone, to the pantheon of congressional families, and we are here ready to help you in your work. God bless.

Mr. RANGEL. Mr. Speaker, reclaiming my time, there are so many Members that would like to be heard, but a lot of people have to make trains and

planes, and so we have in our delegation not only an outstanding Member from Queens County, but the Democratic county leader that was able to guide the membership of the great organization there so that they were able to make the proper decision for the election, TOM MANTON, for purposes of introducing our brand-new member.

WELCOMING CONGRESSMAN MEEKS

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

Mr. MANTON. Mr. Speaker, my colleagues, our newly-elected Member, GREGORY MEEKS, it gives me a great deal of pleasure to welcome you, GREGORY and your family and all of your supporters in Southeast Queens from the 6th Congressional District to this great Hall. I am not going to be repetitive here, but I would just like to say that your credentials were impeccable, starting off after law school as a prosecutor, and later on as a judge in the worker's compensation system, and then your service in the New York State Assembly.

□ 1430

So you have come here, you have hit the ground running, and we welcome you and ask that you have a long career in these sacred halls.

The SPEAKER. Will the gentleman from New York yield?

Mr. MANTON. Mr. Speaker, I am happy to yield to the Speaker.

The SPEAKER. It would please the Chair to recognize for his first time here the newly elected gentleman from New York (Mr. MEEKS), and to recognize him on behalf of the House and offer him an opportunity to speak to the House.

EXPRESSION OF THANKS FOR SUPPORT

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, thank you.

The first feeling that I have is: God is good. God is good. He has truly blessed me, and but by His grace am I here today. He has blessed me for an individual who grew up in public housing and a product of public education to be able to go on and receive a degree at the great institution known as Howard University School of Law, which I am proud of; to be blessed with individuals who are really responsible for me being here.

Mr. Speaker, it started with my mother, who is not with us any longer, but she is with us. She gave me the strength, the support, and the upbringing so that this day could be possible. She gave me the vision and the determination to make things happen, and I will be so ever thankful to God who blessed me with her as a mother.

I want to thank my dad, who is here, who always was behind me and taught me the lessons of life and family.

I want to bless and thank my wife, Simone-Marie, who gave her energy, her time, and gave me her permission to seek the office of the United States House of Representatives.

My sisters, Rosalyn and Janella, who are here, who worked diligently day and night on this campaign, thank you.

And the Lord blessed me with two beautiful daughters who I am so proud of for all that they are doing and how they are growing up. That is Ebony and Aja.

And, as indicated, my mother is not with me, but the Lord blessed me with a great mother-in-law, Miss Eleanor Sing.

Mr. Speaker, let me say thank you, particularly, to my political godfather, Bob Simmons, and all of the individuals who are up in the balcony who are responsible for that huge victory on February 3. I will never forget them, for they are why I am here to represent the constituency and the people of the 6th Congressional District.

I know that I have very big shoes to fill, and I can say that I am not Floyd Flake. I am GREGORY MEEKS. I am going to do the best I can. I believe that Floyd Flake was on the right path, the same path of many of the Members of this hall that I have admired for a long time. The path of Barbara Jordan who sat here. The path of Shirley Chisholm. The path of Adam Powell. The path of Brother DELLUMS. The path of CHARLIE RANGEL. The path of THOMAS MANTON.

Mr. Speaker, I look forward to working with you. I look forward to trying to make a difference in the lives of the people of this great country. I look forward to living the dream that Dr. King had that all of us will be able to walk together, talk together, live together under this big tent and this great Nation. Thank you very much.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to simply observe for the RECORD, if I might, that we are welcoming a new Member whom we are delighted to have with us and who we think has a great future. We are welcoming him on a day when weare losing a great Member who has had a great career and to whom we are all indebted for being a model of representing democracy in a free society.

So while we are saying good-bye to the gentleman from California (Mr. DELLUMS) we are saying hello to the gentleman from New York (Mr. MEEKS) and that is the biological process by which a free people renews itself.

We will miss you, Mr. DELLUMS; and we are grateful to have you here, Mr. MEEKS.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H.Res. 351) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 351

Resolved, That the following named Members be, and are hereby elected to the following standing committees of the House of Representatives:

To the Committee on Banking and Financial Services:

Max Sandlin of Texas; Gregory Meeks of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–415) on the resolution (H. Res. 352) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I ask for this time for the purposes of inquiring from the distinguished Chief Deputy Majority Whip regarding the schedule for today, the remainder of the week, and the following week.

Mr. HASTERT. Mr. Speaker, if the gentleman from Michigan, my good friend, will yield, I am pleased to announce that we have finished the legislative business for the week.

The House will reconvene on Wednesday, February 11, at 3 p.m. for legislative business. Members should note that we do not expect any recorded votes before 5 p.m. on Wednesday; and on Thursday, February 12, the House will meet at 10 a.m. for legislative business.

On Wednesday and Thursday, the House will consider the following legislation: a resolution providing for consideration of motions to suspend the rules and a resolution regarding the contested election in the 46th Congressional District of California.

Once the rule allowing suspensions next week has been agreed to, we hope to consider the following bills under suspension of rules:

H.R. 1428, the Voter Eligibility Verification Act; H. Con. Res. 202, the Daycare Fairness for Stay-at-Home Parents; and, S. 927, the National Sea

Grant College Program Reauthorization Act of 1997.

Mr. Speaker, we hope to conclude legislative business for the week by early afternoon on Thursday, February 12. Friday, February 13, marks the beginning of the President's Day district work period from which the House will return on Tuesday, February 24.

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

Mr. BONIOR. Mr. Speaker, reclaiming my time, could the gentleman clarify two points for me? On the return date of Tuesday the 24th, can the gentleman enlighten us on when we can expect the first vote on that day?

Mr. HASTERT. Mr. Speaker, there will be no votes until after 5 o'clock.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

Finally, the gentleman said that on February 12, which is Thursday next, I think, we will meet at 12 for legislative business?

Mr. HASTERT. Mr. Speaker, 10 o'clock for legislative business.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A MATTER OF TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to take a moment to speak on what has been happening in the country lately. It is not about impeachment of the President or prosecution of the President; it is about what is on my mind and my conscience.

First of all, for all the clamor in the press and on radio and TV about allegations swirling around the President, there has been a blanket of silence on the part of many who ought to provide commentary on the moral tone of this country. And I am not sure why there has been this silence. Perhaps there is a "do not rock the boat" feeling. Times are good and let us just sweep this under the rug and not focus on the moral aspects of this.

Perhaps the talk of impeachment and prosecution, which I think have been gotten out there too early, may have preempted those who might have felt obligated to comment on the moral issue and its impact on the leadership of the country.

Their reluctance was not evident in earlier cases. The young woman who flew the Air Force B–52s. The military general passed over for Chairman of the Joint Chiefs. The Tailhook scandal, which touched a number of senior Navy officials. Charges against a former Senator who resigned. A Supreme Court nominee and a Presidential candidate and others brought a tidal wave of comment from every corner of America.

In America, a person is innocent until proven guilty. But we are not talking about a court of law. We are talking about right and wrong.

We must give the President the benefit of the doubt. But let us not say that these things do not matter, because they do. They are at the very heart of honor, integrity, character and leadership.

What a person does in private affects the type of person he or she is in public, and a leader has an obligation to take responsibility for his or her actions and not try to explain them away or blame others.

If, indeed, we have lost the capacity to distinguish vice from virtue, if we believe that private behavior has no public consequences, if we believe that our Nation's leaders do not have to be good or moral and righteous men and women who live by the truth, then we abandon the very heritage of this Nation.

□ 1445

I believe America ought to expect more from its leaders, and I think most of the American people agree. If, as has been the case for ages, kids want to grow up to be President of the United States, then like it or not the person holding that title has a special responsibility, and we have every right to hold him or her accountable to that duty.

Saying Americans do not care just does not wash with me. Truth is something we have always honored in this country. We teach our children from an early age to be truthful. George Washington's birthday is coming soon, and we have long told the story about him admitting to cutting down the cherry tree, where he said, I cannot tell a lie.

When any President takes office, there is an implied promise that he or she will level with the people, that he or she will be honest with them. A solemn bond of trust has always existed between the President and its people. And it must always be that way. Every President has an obligation to tell the whole truth. If Richard Nixon had told the whole truth and had asked the American people for forgiveness, I believe he would have been forgiven.

Today there is a pall of doubt over the Presidency. Not being forthcoming with whatever the truth may be leaves doubt about the bond of trust between the President and the people and keeps open the question of fitness to serve in high office. The only way America can put this behind us once and for all is to be assured that when the President speaks, he is telling the truth. I hope this President can give this assurance. If President Clinton tells the American people the whole truth and needs forgiveness, I believe he will be forgiven.

But let us remember, all of us, all of us err and make mistakes, including me. No one, not one is perfect. But for forgiveness and healing to take place, there must first be confession and truth, and then we can move on.

HONORING KAREN SUE NOBUMOTO

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 rise today to commemorate a remarkable woman from the 37th District of California: Karen Sue Nobumoto. Ms. Nobumoto is an exceptional leader in the field of law within the African American community and the Los Angeles area. She has inspired young lawyers and law students throughout her long history with the John M. Langston Bar Association, and has dedicated her life to giving back to her community. As she completes her one year term as President of the Langston Bar Association, I would like to take this opportunity to recognize her long list of achievements.

Ms. Nobumoto received her Bachelor of Arts degree in Political Science from the University of Hartford in West Hartford, Connecticut in 1973. She continued her studies at Southwestern University School of Law in Los Angeles, where she obtained her Juris Doctorate degree in 1989. Throughout her years at Southwestern University, Ms. Nobumoto served as an active student leader. She was the President of the Black Law Students Association and Vice-Dean of the Delta Theta Phi Law Fraternity.

Ms. Nobumoto has served on the board of directors of the John M. Langston Bar Association continuously since 1987. In 1988, she received the President's Special Recognition Award and received the same award again in 1996. She served as the first student Section Chairperson and worked with the past president to institute the Langston Law Student Career Day and Mentor Program. She also managed the Law Student Scholarship Program in 1990 and succeeded in increasing the scholarship funds distributed to African American law students over the past seven years.

Perhaps more important than this long list of achievements, is Ms. Nobumoto's unyielding

determination and strong commitment to leaving no stone unturned when it comes to planning the critical path to success. She has attended every Langston board meeting and monthly meeting and represented the Langston Bar Association at over sixty-five different events throughout this past year. In addition to her work for Langston, Ms. Nobumoto is a hardworking Trial Deputy in the Office of the District Attorney in Los Angeles. She has also served on the Ethnic Minority Relations Committee of the State Bar from 1987 to 1990 and was the Vice-Chair of the Committee from 1989 to 1990. In 1990, she was also elected to a District 7 seat on the California Young Lawyers Association Board of Directors.

Clearly, Karen Nobumoto's commitment to carrying forward the tradition of service and leadership that defines the Langston Bar Association has made her one of the greatest Presidents to serve Langston. I am honored to know Ms. Nobumoto and wish her the best of luck as she pursues a position on the State Bar Board of Governors. Karen Nobumoto is a shining example of what it means to lead, to educate and to truly make a difference for the generations of today and tomorrow.

A RESOLUTION TO PROTECT WINNIE THE POOH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I rise to introduce a resolution to protect Winnie the Pooh and his friends from being taken away from their safe and comfortable home at the New York Public Library. For 10 years Winnie the Pooh has held court in the New York Public Library, delighting millions of New Yorkers. But in recent days a member of the British Parliament has been expressing her intention to take them away from their home.

As a mother of three and a grandmother of two, I am determined to keep Winnie the Pooh right where he belongs in New York City. Quite frankly, the British have their heads in a honey jar, if they think they are taking Winnie the Pooh out of New York City.

Mr. Speaker, Christopher Milne, son of the creator of Winnie the Pooh and the real life model for Christopher Robin, gave his blessing to the New York Public Library's display of his childhood friends before his death 2 years ago. Winnie the Pooh, Tigger, Eeyore, Kanga and Piglet belong in New York, and this resolution will ensure that they stay there.

H. CON. RES. —

Whereas Winnie-the-Pooh, Tigger, Eeyore, Kanga, and Piglet have lived safely and comfortably in a climate-controlled, bulletproof case at the New York Public Library for ten years.

Whereas they bring happiness to the 750,000 people who visit them each year.

Whereas Christopher Milne, the model for Christopher Robin, gave his blessing to the New York Public Library's public display of his childhood friends before his death.

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States expresses its strong support for the residents of Pooh Corner to remain at the New York Public Library.

THE FUTURE OPPORTUNITY AND WELL-BEING OF OUR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. RIGGS) is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGGS. Mr. Speaker, I want to take this opportunity to address the House under special orders on a topic that I think is of really paramount importance to our country, and that is the future opportunity and well-being of our children. I rise to talk today a little bit about our congressional, by that I mean House and Senate, Republican agenda for improvement of our schools, to ensure that every American child, especially those that come from disadvantaged back-grounds, socioeconomically disadvantaged backgrounds, has access to a high quality education and the kind of skills training that can unlock the future for that young person.

I have had the opportunity on many occasions, as many of the Members of this House have, to have my children accompany me to work sort of a dad takes daughter to work day. I have had my young daughter Sarah Anne, who is 11, going on 21, I think, at times, with me here on the House floor. And it has been a wonderful experience. It has given her an opportunity to see firsthand what I do as an elected Member of Congress. It has helped her not only better understand what I do, but it has helped her, I think, become a more responsible young person in her upbringing.

I can harken back a few years ago, when I first was elected to Congress, and the Sarah who is now in the fifth grade back then was in the second grade. And on the first day of school as the boys and girls were going around the classroom, when it came her turn to say what mom and dad do for a living, she piped up very proudly, my dad is FRANK RIGGS. He runs for Congress. Well, as they say, out of the mouths of babes. Since then, as I mentioned, she has come to have a far better understanding of what I do and what the purpose is of the Congress as our National Legislature.

I think our primary purpose, our most important objective has got to be, as I said before, the future of our children. They are all our children. They are, they represent our hopes, our dreams, our common mission. I am here today out of concern for, addressing the House under special orders out of concern for her future and the future of her generation, and for that matter a generation of children yet unborn.

I want to talk about how the children of tomorrow can receive a better education today and what we might do in the remaining months of this legislative session of Congress over the course of this year, between now and the targeted final adjournment of this Congress in early October.

But before I get into that, as I was talking about my daughter Sarah Anne, I also harken back to my days as a local Little League and school board president. I had the dubious distinction of serving in both capacities at the same time, and I like to tell my colleagues that if they really want to know what politics are all about, they should try being both a Little League president and a school board president at the same time.

There is an old saying that was, I believe, coined by a former Speaker of the House of Representatives, Tip O'Neill, who said that all politics are local, and it does not get any more local than being Little League president and school board president at the same time.

So I sort of jokingly have made that statement, but quite seriously, if you want to know what politics are all about, forget about matters of war and peace and life and death, which we sometimes have to confront out on the House floor, and try dealing with the responsibilities of being Little League president and school board president at the same time and a constituency of many, many parents who do not at all times necessarily agree with the official positions of a little league or a school board.

I can say though that that experience has taught me that there is that shared concern about children. Everyone is concerned about their own children obviously, and there is a larger concern that many times extends to all children in the community, and while I personally do not agree with the philosophy that it takes a village to raise a child, because that seems to shift the responsibility for raising that child from the parents, the immediate family, to a larger and more amorphous institution known as a community or a village, and too often puts the trust and responsibility for raising children in government instead of where it properly belongs with those parents in that particular home, I can again say that we all have concerns about our children and want to create obviously a better future for our children. That is what brings us together as concerned citizens and as leaders in our respective communities, whether it be a position of elected leadership or whether it be some other position of leadership as perhaps through civic affairs or business involvement.

I am going to talk a little bit about our children. The first thing I want to

address since there is some very real concern about the future of Social Security, the first thing I want to mention is that this Congress over the course of last year and the previous Congress, which represent about 3½ years to date of a Republican control of the Congress, this Congress and the past Congress have made some tremendous strides in creating a better future for our children and fulfilling our promises to the American people. We have adopted a balanced budget, and as the President told the country the other night in his State of the Union address, we are on the verge of realizing that goal, and we are really on the verge of seeing the Federal Government for the foreseeable future generating a budget surplus, not a budget deficit, a budget surplus here in Washington. In fact, the current trend line projections for the Federal budget indicate surpluses, not deficits, surpluses as far as the eye can see. That is very encouraging news, and we are going to have a debate that will commence this year and continue again for the foreseeable future in terms of how to best utilize that budget surplus.

We have lowered taxes, especially through a $500-per-child tax credit for hard-working, overburdened families, families, the median family income tax burden in America today being roughly 38 percent of that family's income, 38 percent going to taxing authorities at all levels, Federal, State and local. We have taken the first steps again to lower the tax burden on families, especially families with dependent children, under the theory that those families deserve to keep more of what they earn, and they are in a far better position to determine how to spend that money to benefit or to benefit their children and to create a better future for their children than any Federal Government bureaucracy back here in Washington.

We have also overhauled welfare. That reform is helping millions of our fellow Americans move from welfare to work. Many of those are single mothers that struggle against heroic odds, and by improving the quality of life for welfare recipients as they make that transition from welfare to work, we are also obviously creating a better future for the children of those households.

But we do have a long ways to go in terms of improving the future for our children. I mentioned briefly education reform. But we also are looking now at fundamental reform of the Tax Code. In my view, we have to have campaign finance reform at the Federal level because if we really want to change the way we govern, we have to change the way we campaign for office.

And we need entitlement reform or reform of the entitlement programs, the so-called old age entitlement programs of Social Security and Medicare, if we want to make sure that those programs are preserved and strengthened; that is to say, to make sure that they are financially solvent well into the 21st century.

□ 1500

Now, House and Senate Republicans do have a real plan for Social Security, and I make reference to a commentary that was written in the Washington Times by Senator TRENT LOTT, the Senate majority leader, and he points out in this article that we are attempting to bring about fundamental restructuring of the Social Security program. His commentary begins by saying the President says he wants to talk about Social Security.

Talking is the easy part. Doing the right thing is another matter. Let us review the Clinton record. For 5 years the President has talked about entitlement reform, but almost all progress has come from a congressional coalition of Republicans and centrist Democrats. True, the President passed incremental Medicare and Medicaid changes in 1993, but unlike our more recently enacted reforms, his bill made no attempt at structural spending changes; in other words, fundamental overhaul of these programs, and instead relied on raising taxes to temporarily shore up those programs.

In 1994, the President proposed, as I think we all now know, a Federal Government, a big government takeover of health care. Setting aside the obvious demerits of subjecting one-seventh of the economy to government price controls, his plan would have created massive new entitlements and accelerated government spending. At the same time, however, the bipartisan Entitlement Commission, chaired by Democratic Senator ROBERT KERREY, Senator KERREY of Nebraska, concluded that the present spending trends for the old age entitlement programs, Social Security and Medicare, are unsustainable.

The President ignored the Entitlement Commission and its chairman, but the newly elected Republican congressional majority did not. We passed structural Medicare and Medicaid reforms in 1995, only to have them be vetoed and demagogued by the President.

The White House's demagoguery was supplemented, as we now know, by tens of millions of dollars in union-funded attack ads that were targeted at incumbent Republicans around the country, including myself in the 1996 elections and, unfortunately, made Medicare a partisan campaign issue in 1996 and turned it into just another political football, another partisan "he said, she said" type of argument. However, 1 year later, in a nonelection year, last year, 1997, the President signed reforms that were very similar to the ones that he had vetoed and demagogued for over a year. He signed similar reforms into law.

Now, early last year both a Federal commission and Alan Greenspan concluded that the Consumer Price Index overstates increases in the cost of living by about 1 percent. Senator LOTT then proposed appointing a panel of technical experts to correct these flaws. However, again, the President and many congressional Democrats, backed by the labor unions and some of their other special interest allies, refused to address this problem, reinforcing this impression out there, this stereotype, that entitlement reform continues to be the third rail of American politics; that if one goes anywhere near it as an elected official they just might get electrocuted, in a political sense that is.

Last year the other body, the Senate, passed historic Medicare reforms, including raising the Medicare eligibility age and means testing premiums for more wealthy beneficiaries. And, in my view, they deserve a lot of credit for those actions. They also demonstrated a bipartisan willingness to make politically difficult choices in the interest of our children and in the name of their future.

U.S. News and World Report called it the Senate's magic moment and wondered whether the President would get on board. Well, the news that I share with my colleagues and the American people today is the President never even got near the boat.

Now, we do have a newly created Medicare commission, which was originally supposed to report in early 1999 to the Congress. To avoid having to address Medicare in the State of the Union address, next year's State of the Union address, the White House has proposed that the commission postpone their report to March. That would mean, if that comes to pass, that the President has ducked yet another opportunity to really exert presidential leadership and make a difficult choice on this most vexing issue.

Medicare is the second largest entitlement, and it will grow $88 billion over the next 5 years, more than total Federal Government spending, more than total Federal taxpayer spending on crime, education and the environment combined. Yet the President proposes what we feel is a tremendously irresponsible expansion of the Medicare program for early retirees and refuses to allow seniors to use their own money to pay a doctor.

Of course, he knows in making that proposal, which he mentioned last Tuesday night, or a week ago Tuesday night in his State of the Union address, he knows that that expansion will be popular because he is offering a political goody, another entitlement, if you will, to a demographic group with a high voter turnout; upper income people in their 50s and 60s, who could afford to retire early and buy into the Medicare program.

His proposal, however, would benefit only the wealthiest beneficiaries and would encourage employers to dump older workers and early retirees into a government program.

So in the name of entitlement reform, the President raised taxes on employees to reduce the deficit, ignored the entitlement commission, he has demagogued both Medicare and Medicaid, he has refused to consider the Senate bipartisan proposal to fix the Consumer Price Index problem which overstates the annual rate of inflation, he has rejected the bipartisan Medicare beneficiaries reforms, and he has now delayed the Medicare commission. That is not true presidential leadership.

On top of all that, he now proposes to expand the second largest entitlement program, yet says he wants to reform the largest. He proposes to expand Medicare at the same time he is talking about reforming Social Security. Why should the American people believe him? And I am going to have more to say later on the President's trustworthiness.

So we have a tremendous challenge ahead in terms of entitlement reform. It is one of the chief pieces of unfinished business in this Congress and, in my view, will be probably confronting the next Congress, when we consider that just over the horizon, the challenge that lies just over the horizon, 75 million baby boomers will begin retiring around 2008.

That happens to be my generation. I admit it. I am one of the baby boomers. We have to address this problem and we have to adjust our programs for the aging, the graying of the American population. If we fail to do that, then these programs which constitute the social safety net in America are, in my view, in real jeopardy, especially for those who are most dependent upon these programs in their retirement, low income individuals, many of whom have to rely on a fixed income to make ends meet.

So the challenge for this Congress, and it is a bipartisan challenge, is how can we convince the President that we are willing to tackle Social Security and Medicare reform on a serious and, I would hope, nonpartisan basis. We have the proposals out on the table. And as Senator LOTT, Majority Leader in the Senate, points out, we really do need to have, and as Speaker GINGRICH has said, we really do need to have an adult conversation about reforming and preserving Social Security in this country.

We believe that Americans want more than talk; that they have a right to expect more than talk from their elected officials when it comes to entitlement reform, and that the onus is now on the President to close this enormous credibility gap that is created by the discrepancy between what he says on the one hand and what he has done on the other with respect to entitlement reform, because, as we all know, actions speak louder than words.

So entitlement reform is a critical issue facing this country. We also know that the time has come to make a commitment to fundamentally reforming the Tax Code. The current Federal income tax system is economically destructive. It is inconsistent with the principles of a free society, and many of us are joining together in this Congress to work toward the enactment of a new, simple and fairer system that would apply a single low rate of taxes to all Americans. We want to move from the present system of taxation to a simpler, flatter, fairer Tax Code and tax system and a single rate of taxation for all Americans.

We want to continue to provide tax relief for working Americans. And when we consider all the abuses that have come to light from recent hearings here in Washington and the hearings that many of us have had in our congressional districts around the country, we want to protect, do a better job of protecting the rights of taxpayers against tax collection abuses by the IRS.

I also believe, going back to the theme and the importance of creating a better future for our children, that we have to eliminate the bias in our present Tax Code against savings and investment. It is one of the perverse incentives that riddles American life when we consider that we have a Tax Code and a tax system that continues to promote consumption and spending over savings and investment. If we can eliminate that bias, if in fact we can emphasize savings and investment, we can reduce the tremendous strain that is going to be placed on those old age entitlement, the old age retirement programs, the Social Security and Medicare that I just mentioned a moment ago, when the baby boomer generation reaches retirement age.

So tax reform, entitlement reform, campaign finance reform, education reform are all critical in terms of the challenges facing this Congress and future Congresses as we look at the future and try to create more opportunity and more security for our young people.

I think it is safe to say that congressional Republicans want to take this country to a new level of freedom and opportunity through less taxes and more choices for families by improving our schools. And we are going to be looking at a number of educational proposals that are now pending before the Congress.

I happen to chair the education subcommittee in the House of Representatives, the so-called Subcommittee on Early Childhood, Youth and Families, and we are moving forward on a number of fronts right now. We had a very successful legislative year last year, a very ambitious year, where we passed legislation to improve the education of children with learning disabilities and special needs, to expanding vocational education and technical training opportunities for those young people who are not college bound or who, if they go to college, may not complete college, so that they actually have employable skills that they can market in the real world of business and private enterprise.

We have passed legislation that will encourage States and local school districts to create more independent public schools. These are called charter schools. And this is a very simple concept where local schools, and by local I mean that individual school is given a great deal of freedom and autonomy to experiment in education and to make improvements and innovations.

Charter schools are, to date, a very successful experiment in decentralization and deregulation in public education. And based on the early results, charter schools have led to an increase, an improvement in pupil performance at those charter schools. And that is really the bottom line.

Charter schools are also a step, a milestone, I guess we could say, on the road to creating full parental choice in public education today. I happen to believe that parents should be given the full range of choice among all competing institutions; that parents, as the consumers of education, the people who pay the majority of taxes for public education, should be empowered to select the school and the education that is most appropriate for their child, and that no one is better positioned, better able to make that decision regarding that child's welfare and the schooling that is appropriate for that child than, obviously, the parent or parents of that child.

I am encouraged that we are moving forward with charter school legislation. The Senate, the other body, has indicated that they are going to be taking up our charter school legislation in the context of their very comprehensive education plan, which they are calling the BOKS legislation, the Better Opportunities for our Kids and Schools Act, and the acronym, as I mentioned, is BOKS. So I am pleased that they are recognizing that Federal taxpayers and the Federal Government have a role in expanding charter schools.

□ 1515

I want to quote to my colleagues from an article in the Weekly Standard edition of December 8, 1997, in an article that was written by David Brooks, the senior editor of the Weekly Standard, where he says that,

> The early evidence suggests that these tax-supported independent schools, charter schools, run by their own boards, their own

board of trustees, their own governing board, within the public system raised student achievement. Moreover, if the country is going to shift eventually to a voucher system,

this is the idea where parents would have tuition scholarships through taxpayer funding to select the school, the education that is appropriate for their children.

Moreover, if the country is going to shift eventually to a voucher system, it will first have to pass through a charter phase so that when choice prevails there will be a variety of independent schools to choose from. Charters can prove to the public that alternatives exist to a centralized system and so lay the intellectual groundwork for vouchers.

So I am pleased again that we are going to be moving forward on charter school legislation over the coming months in the Second Session of Congress.

However, charters are just one form of empowering parents through choice, just one way, if you will, of infusing competition and great accountability into the education system in America today.

There are several other forms of education choice, including tax credits, as have been implemented in certain States. Minnesota, under Governor Carlson, immediately comes to mind.

I mentioned tuition scholarships, or vouchers. We are going to be looking again at opportunity scholarships for underprivileged District of Columbia children here in the next few weeks, focusing specifically on those children who are attending unsafe and/or underperforming schools.

And, of course, Senator COVERDELL and Speaker GINGRICH have also proposed the ideas of education savings accounts where parents could contribute after-tax dollars to an IRA, an Individual Retirement Account, for education purposes and then make withdrawals tax-free for any education expense, including education expenses associated with their child attending a private primary or secondary, a private elementary or high school. So we are moving forward aggressively on expanding educational choice in this country and empowering parents.

Now, I do have a couple other things to mention in the area of education.

I mentioned that House and Senate Republicans are working on a comprehensive measure to improve education that would allocate money to better train teachers and parents to teach reading.

We are also looking at another pilot program for vouchers for low-income students that would be patterned after our legislation for the District of Columbia but would potentially allow other school districts, primarily urban school districts, to pursue the idea of vouchers on a pilot basis to see if, in fact, those vouchers, those tuition scholarships, increase or improve pupil performance and give parents a way out of failing school districts.

And I just cannot stress how important that is. Because I personally believe that our country could not afford to lose another generation of urban schoolchildren.

So we are going to be pursuing a voucher pilot in school districts around the country.

We mentioned charter schools. We are also looking at legislation that would require that the great majority of Federal taxpayer spending for education go down to the classroom level, down to that local school district, and from there to that individual school, and from there into the classroom, hopefully, to pay someone who knows that child's name.

The idea is very simple. We want to get the most bang for the buck. We do not want the money continuing to be siphoned off for bureaucracy at the Federal or State or even, for that matter, local district school level. We want to drive it down locally into that classroom to pay someone who knows that child's name, under the theory that those dollars should follow the child. And, again, we are going to be looking at legislation that would test teachers' skills and provide them with merit pay raises.

I personally believe that the teaching profession is a missionary calling. It is one, quite honestly, where I think that if we are honest and admit that we cannot afford to pay the very best teachers what they are truly worth and, conversely, anything that we pay to a bad teacher is probably too much. But I think we have to understand how important the teaching profession truly is.

It has been said that a teacher can affect eternity because they never know where their influence on that child might end. So we are going to be looking at a way, again, where we can assist and enhance the teaching profession and where we can encourage more accountability and more incentive in the teaching profession.

So we are moving forward on a number of fronts in education aggressively, making it the top legislative priority for the Republican congressional Majority.

However, we are not going to do as the President has discussed, which is attempt to finance a bunch of new Federal education programs out of the future anticipated revenues resulting from a settlement of the tobacco class-action lawsuit against the States. It would be foolish. It would be unwise. It would be imprudent. It would be something that we would not do in our lives, in our homes or in our businesses, to spend money before we actually have it.

Our education proposal will be fully paid for. It will not involve new Federal spending. It will not involve raising taxes. It will not rely on the presumed revenues from the tobacco settlement.

We believe that one of the ways that we can pay for our education spending is to take all of these categorical programs that are housed back here in Washington, they are located primarily in the Department of Education, but they are spread, to be honest about it, spread about the whole Government bureaucracy, they are administered by a number of different Federal departments, agencies and commissions, and take those programs and consolidate them into a block grant to State and local school districts.

The savings that result by reducing bureaucracy here in Washington can go a long ways towards helping to pay for education initiatives. So I want to make sure that I stress that our Federal education programs, as we prepare for a debate on the fiscal year 1999 Federal budget, we will be having a debate out here on the House floor in the coming weeks on a budget resolution, and once we adopt a budget resolution that sets the Federal spending limits for 1999 fiscal year, we will then be debating the 13 annual spending bills for the Federal Government that effectively implement the Federal Government.

But I want to emphasize that we are not going to go back to smoking mirrors budgeting. We are not going to rely on money that we do not have and may never receive here in Washington.

In fact, the gentleman from Texas (Mr. ARMEY), the Majority Leader, who has been a real leader in education reform both in the Congress and in the District of Columbia public schools and in other States and communities around the country, a catalyst, a change agent for fundamental reform and improvement of our schools, he has said as recently as just a couple days ago something that kind of laid out the parameters for what the Republican congressional Majority will accept with respect to tobacco legislation.

Majority Leader ARMEY said that the President wants to use the tobacco deal and about $65 billion in anticipated revenues that may not result from the tobacco deal, the tobacco class-action lawsuit settlement, as a cash cow, that is the Majority Leader's term, to pay for a sweeping array of domestic programs. And he made it very clear that we are not going to accept that position.

The Majority Leader also said that if there is congressional action on tobacco legislation that it will be action to use the money for the correct and primary purpose of preventing teen smoking; it will be focused on prevention and cessation initiatives and on health care research. Because, after all, we have to remember that the tobacco class-action lawsuit filed by the States against the tobacco companies is to recover the cost that taxpayers in those

States that both State and Federal taxpayers have incurred through spending on the Medicaid program for tobacco-related illnesses.

So we want to put the money into teen smoking initiatives, anti-smoking initiatives, and in biomedical research. And our health care initiatives, I believe, have tremendous bipartisan support as we concentrate more money through the National Institutes of Health on research into the causes and prevention of cancer-related illnesses.

That is where we are going to spend the money. We are not going to go back into smoking mirrors budgeting and start making budgeting decisions over the coming year, over the coming months, that is predicated on the settlement of this lawsuit and the receipt of millions or billions of dollars to the Federal Treasury when, in fact, those funds may not materialize.

Now, the other thing I want to say about the President's initiatives is, quite simply, that he seems well-intentioned. I do not doubt the President is sincere when he talks about trying to improve education, and I tend to agree with him that partisan politics ought to stop at the schoolhouse door when we talk about education and improving schools.

However, I also hasten to add that the President seems to want to concentrate, when he talks about education, wants to concentrate more and more power and authority, more of the dollars and the decision-making responsibility for education here in Washington. And I do not think that is the way to go; and I know that sentiment is shared by many, many of my fellow Republicans, my congressional colleagues, as well as many Republicans around the country.

I do not think it makes sense at a time when we are trying to bootstrap improvement of our schools, at a time when we are trying to encourage more responsibility and accountability in education, which, after all, has to occur at the local level, right at that individual school site level, which, again, is keeping with the long-standing American tradition of local control and decentralized decision-making education. Given that, I do not think it makes sense to try to create more and more programs here in Washington and invest more and more authority in the United States Congress and in the Federal Government bureaucracy.

It does not make sense to constantly nationalize and federalize these initiatives when, in fact, we ought to be working to reduce bureaucracy here in Washington in order to get more resources and more decision making authority out there to States and to the local school districts where it will do the most good.

I do not think, whether we are talking about national testing, as we were debating on the House floor earlier today, or any other of the President's new education proposals, to turn the Congress of the United States into some sort of national school board.

We want, again, to decentralize the funding and decision making in education. We respect the autonomy and the authority of that local school district.

I am a former school board member myself, served 5 years on my hometown school board including two terms as a school board president. I have the greatest respect for those people who were there sort of on the front lines of education, if you will, and who are making those sort of policy decisions on a daily basis in their local communities. They also are far more accountable to the people who elected them, their constituents, than we could ever be.

I go back to what I said earlier about serving as school board president and Little League president in the same year. I literally could not go anywhere in my home community, could not go into the corner grocery store without encountering a constituent. I was in the phone book. I was accessible.

It is that accessibility that I think is paramount to improving the quality of education in America today by increasing the accountability that local school districts have to the ultimate consumers of education, parents and guardians.

That is what we want to create here in Washington. We want a new education paradigm, a paradigm shift, if you will, where we shift the attention in education from the providers of education, the whole education establishment, to the consumers of education. Again, the best way to do that is to give those consumers the right to choose the education that is most appropriate and best suits their child.

So I wanted to kind of quickly touch a little bit about where I see the Congress going.

I mentioned the Social Security problem. That is a problem not just for the baby-boomers, as I mentioned in my remarks, but for the children of the baby-boomers, the so-called echo-boomers.

Because if we do not take steps, obviously, to reform Social Security structure now well into the next century so it is solvent when the baby-boomer generation reaches retirement age, it obviously will cease to exist in subsequent years when the children of those baby-boomers, the echo-boomers, reach retirement age.

So it is critically important we address education reform, tax reform, entitlement reform, and I would hope again entitlement reform.

But as critical as all those issues are, I want to talk about one other issue in my special order. That is the importance of moral leadership in America today. Because everything that we might say or do from a policy standpoint pales to the personal example that we set as elected decision makers, as elected office holders.

With the possible exception of the clergy, I do not think that there is a position of greater public trust than holding elective office. I am afraid that, too often, we have wandered away from that realization.

I am pondering this today because, earlier today, this morning, we had the National Prayer Breakfast. While it appears that our country is sailing along on a polite course and enjoying peace and prosperity in a booming economy, underneath that veneer is a struggle going on for the soul of America. There is a moral crisis occurring that underscores the importance of ethical and moral leadership in America today.

Again, I stress this because that leadership, that kind of ethical and moral leadership is what forms the bond, if you will, between elected officeholders and the people who really obviously have the true power in a representative democracy.

□ 1530

I am very distressed about the events that have been occurring back in Washington over the last few weeks, and I have to say, as I turn to this subject, I have to say at the beginning that I cannot find the explanations that have been coming out of the White House, all the political advisers with their spin, lawyers, the First Lady, and even the President, I cannot find that orchestrated and concerted effort credible. It is not credible to me.

When I look at the compelling, even overwhelming circumstantial evidence, with daily revelations, I have to conclude that the President has not leveled, has not been honest, with the American people, and I want to say quite sincerely that I think that deceit, that stonewalling, is jeopardizing the President's tenure, and I think really imperils his Presidency.

I cannot for the life of me understand why the—and I said this a week ago when matters first came to light—I cannot understand for the life of me why the President has not stepped forward and put this matter to rest, addressed head on the allegations that have been swirling around, particularly if he was sincere and honest when he looked at the camera, stared at the American people in the face and said there was nothing to these particular allegations.

In fact, I am looking at the President's quote from an article in Roll Call, which is the Capitol Hill newspaper from last Thursday, or Thursday, January 22, when he was asked by a reporter, you said in a statement today that you had no improper relationship with this intern. What exactly was the nature of your relationship with her?

This is the President's verbatim answer: Well, let me say the relationship

was not improper, and I think that is important enough to say. But because the investigation is going on and because I don't know what is out—what is going to be asked of me, I think I need to cooperate and answer the questions.

Now, I couldn't agree more. Therefore, I cannot understand the deafening silence that is coming out of the White House.

The President goes on to say, I think it is important for me to make it clear what it is not. And then at the appropriate time, I will try to answer what it is. But let me answer, it is not an improper relationship, and I know what the word means.

I don't know when the appropriate time would be, but I don't think that the President and the country are well-served by continuing to stonewall and deny on this issue. I think the appropriate time for the President to address these allegations would have been at the outset of this whole controversy, when the allegations came to light. I can only conclude that by failing to address the allegations, which the President promised the American people he would do, that that then suggests that there is far more to this whole controversy than what the President has told the American people.

Now, let me also make clear that this is not about some sort of sexual relations, in my view. This is all about lying and obstruction of justice. This is all about the fundamental responsibility, going back to that bond, if you will, that covenant, between the elected officeholder and the people that he or she represents, and in the case obviously of the President, that is all the American citizens, all American people. This is about, again, moral leadership and setting the right example and teaching our children and future generations through that example.

I have to be honest and say again that I am really dismayed by this controversy and concerned that with every passing day there is a real problem, a real potential, rather, that this country may become paralyzed by this particular scandal or controversy, and that it could then potentially impede the ability of this body, the United States Congress, to carry out its very important work in facing the challenges that confront us as a country as we try again to create that better future with more opportunity for our children.

Now, this is another Capitol Hill publication called The Hill, dated January 28th, and I want to share these words, because I think it underscores the magnitude of what we are talking about here.

It goes on to say, "Even if the," and they use the term "Arkansas Houdini," "Even if the President escapes from his latest crisis and serves out his second term, the Clinton presidency as we have known it is over. His undeniable character flaws, which his family and friends and the voters have been willing to turn a blind eye to in the past, are now glaringly obvious, and have cost him dearly in terms of the moral leadership and public trust that are a President's greatest asset.

"Americans are willing to forgive their elected officials almost any sin as long as they tell the truth."

We cannot countenance not telling the truth. We cannot countenance lying and deceit and stonewalling and covering up. We cannot do that, because if we do that, we destroy the fundamental trust between the elected office holders and the American people, and we contribute to this widespread cynicism and apathy in American society when it comes to political participation and making your voice heard and your vote count.

It contributes to this alienation and distance that too many American people feel from their government, their representative government, and their elected representation.

The Hill goes on to say, "We do not believe that President Clinton has done that in the present case, and we don't know if he will or is enable to, without exposing himself to charges of perjury. As a result, he must explain and justify the all too human failings that he managed to conceal from the American people, even as he has persuaded them to entrust him with the highest office in the land.

"Until he does that, it will be impossible for him to exert the kind of moral leadership that is the true mark of Presidential character. As it is, he has forfeited the right to expect the American people to cut him any more slack. He has," and these are The Hill's words now, this publication, "He has disgraced and degraded the Presidency and betrayed his family and friends, his party and his country. His legacy is now uncertain and his journey across that bridge to the 21st Century is fraught with peril."

And it is fraught with peril, because I also harken to the words of a very respected political commentator and widely syndicated columnist, David Broder, who wrote in the Washington Post on January 21, "The controversy surrounding the President is especially disturbing and potentially dangerous, because international affairs are slipping from his control. Saddam Hussein's defiance of U.S. policy and UN weapons inspection teams is becoming more brazen," although I do believe since Mr. Broder wrote these words that in large part, because of the Republican leadership of the Congress rallying to the President's side, we have been able to bring Hussein more into check.

Broder goes on to write, "After the rebuff Congress handed President Clinton last year by denying him Fast Track trade authority, he faces a difficult struggle for approval of the funds he wants to commit to stabilizing troubled Asian economist, and Bosnia looks more and more like a place that will keep U.S. and NATO forces he enmeshed for years."

I do not necessarily agree with his take on world events, but I think his primary point is that we have a number of potential flash points around the globe, we have these brush fires that could really heat up and become a conflagration in different parts of the world, and we need a President who can exert his Presidency and use his bully pulpit to the fullest. To do that, again, he has to have, as The Hill suggested, the moral leadership and the public trust.

So I am profoundly disturbed by what has been going on and the fact that, from all appearances, this is going to become a typical Washington scandal, where the President is going to try to hang on as long as possible, attempting to basically divert public attention from this particular issue, rather than, again, confront the truth and level with the American people, because I just do not find him, again, believable or credible when he looked at the American people, looked that camera in the eye, and denied any relations with this young 21 year old intern.

The other fundamental question here is, really, doesn't America deserve better? I really believe the American people deserves better leadership than what we have had from the President, and the only way we can get that particular leadership is, again, for the President to level and tell the truth.

The truth is really paramount. This is an article that was in the San Diego Union Tribune back in December, and it was a column that says, "Give a child integrity for Christmas." And it talks about the sense of integrity is the most important gift that we can give our children. So how do we teach them?

Then it goes on to quote a Professor of Ethics at the University of San Diego by the name of Larry Hinman who says that he thinks about this question a lot, and certainly it has been on my mind constantly in recent days.

Professor Hinman says he struggles every day to teach integrity to his 5 year old daughter. Then it quotes him as saying, "If I talk about integrity with my child and don't practice it, I will actually undermine her sense of integrity, so I try to practice what I preach. If I tell her no shouting, I try my best to follow my own mandate, and I don't shout. Keeping promises to her is also a part of integrity. She always remembers if I make a promise, and if I don't deliver, she is quick to point it out."

So I really believe that, again, particularly to those of us who hold a position of public trust, that we should be

held to a higher standard, and the only way that we can meet or even exceed that standard, is to try to demonstrate integrity and honesty in our every deed and in all our words.

Again, I hope that this somehow this particular matter can be resolved, but I worry that we are, by perhaps turning a blind eye, by going along with the political spin, we are sending exactly, precisely, the wrong message to our young people about the importance of honesty, integrity and moral leadership. We have got to, as a Nation, if we want to I think really rediscover, or recover, our greatness and fulfill our destiny as the greatest Nation in the history of the world, as the leader of the world as we enter the 21st Century, we have got to rediscover basic American values like honesty, integrity and morality, and we have to regain really a sense of moral outrage when people play fast and loose with the truth.

So, again, this morning we had the National Prayer Breakfast back here in Washington, and this is actually a sermon that was published in the paper earlier this week by an Episcopalian priest or minister in Falls Church, in Northern Virginia, just across the Potomac River.

In this sermon he said, "Let us pray this week that at the National Prayer Breakfast, that our leaders would experience a spiritual and moral renewal, whereby they aspire to the stature of a monarch whose highest concern is obedience to God and the well-being of our Nation; that they would be men and women who would have the courage to refuse to speak anything other than the truth."

He goes on to say, and I think this is really the most important lesson we can teach our children as they develop character, as they begin to realize the importance of personal integrity and honesty in all of their words and actions, he goes on to say, "Truth matters. Truth matters, and character matters. It matters for the well-being of our Nation. One day all truth will be revealed when we stand at the final judgment of God, and those who have the courage to walk in and speak the truth now will not be ashamed at that final day. Whatever is true, St. Paul says, think on that. The truth, Jesus said, will free us. The truth matters in the lives of our children, our homes, at church, and in Washington."

I submit to my colleagues if it matters in your house, it certainly ought to matter in the White House.

□ 1545

EDUCATION AND SCHOOL CONSTRUCTION

The SPEAKER pro tempore (Mr. ROGAN). Under a previous order of the House, the gentlewoman from California (Ms. SÁNCHEZ) is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, education, education, education. I sit on the Committee on Education and the Workforce. Now, Mr. Speaker, it is interesting to hear so many people this year talk about education. In particular, when I see some of them were the ones who were cutting the school lunch program for our children just a few years ago. And I remember that, because I sat on the other side of the television watching and hearing what was being debated. Today, when we were talking about national standards, something we had already resolved last year, I thought, this is not doing any good for our children. So let us talk about issues that really matter to our children.

For example, school construction. Now, this past couple of months, every weekend when I have gone back to Anaheim and Santa Ana and Garden Grove, the areas and cities that I represent, I have been visiting schools. In fact, I have probably visited almost 60 elementary and secondary schools in my district. And since I went through the public school system in Anaheim, I have gone back to many of the same schools that I graduated from. Indeed, one of the biggest reasons that I ran for Congress was because I wanted the children in Anaheim to receive the same type of education that I had received 25 years earlier.

Well, the biggest problem we have right now back home is that our children have no classrooms in which to study. In fact, I visited an elementary school patterned exactly the way my elementary school was patterned. The same floor plan, where a teacher was holding class in what used to be the broom closet for the janitor of our school or, for example, I took a look at the classroom that was made from the breezeway because we used to walk through a silent tunnel to get from one set of classes to the other when I went to school, and now, doors have been slapped on the sides and this too has been turned into a classroom. And I held a forum just a few weeks ago in my district with minority leader GEPHARDT and JUANITA MILLENDER-MCDONALD, a former public school teacher in California, and we listened to parents and to children and to school administrators talk about what it feels like to be in an elementary school built for 500 with 1,100 children attending; with 23 permanent classrooms and 27 portable classrooms on the playground, on what used to be basketball courts, on the grass areas, and our children are going year-round to school. Even in Anaheim, we are contemplating such a shortage of classrooms that we will now be considering in July double sessions, which means our children could go to school early in the morning and be late getting out in the dark, for example.

So it becomes even more important to address the issue of school construction, and we are trying to do that. I have introduced a Rebuild America's Schools Act, which would require local parents, teachers, taxpayers, to take the responsibility of building new classrooms, and we would help them by giving them tax credits for the interest paid on bonds they would have to pay, they would have to pass in order to build new schools.

Individuals would have to take local responsibility to ensure that children have a place to study, but we need to help them. And in California where we are growing by 5, 6, 10 percent a year in the number of children who attend schools, we must find a solution. I hope that the bill that I have here in Congress now will become law. It is patterned after a program we already have on the books, one which we passed in August. Mr. Speaker, it is not just urban city children who need help. It is children in suburbs who also have many attendees in their school districts, it is children that I represent. It is not just at-risk kids who we must talk about, because all of our children are at risk right now. They are at risk when one child is hungry in the classroom and bothering those who are fed. They are at risk when there is no band program in the school. They are at risk when PE has been taken away because there is no gymnasium and no money to build those facilities, and they are at risk when our children have no playgrounds because there are portable classrooms sitting there.

Let us really talk about what matters to our children.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

CENTENNIAL ANNIVERSARY OF THE SPANISH-AMERICAN WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, this year 1998 marks the centennial anniversary of the Spanish-American War. History tells us that it was fought to liberate the Cuban people from the yoke of Spanish colonialism. Historians and scholars are still debating America's true motivation for engaging in a fight between the Spanish empire and its long-held colonial possessions in the Caribbean and in the Pacific. They are still addressing, at least in an academic sense, the long-term effects and the many uncomfortable and the unresolved political issues that are

the aftermath of the Spanish-American War. For 100 years now, the American flag has fluttered, both literally and philosophically, over the spoils of what has been termed the splendid little war.

In the months ahead I am sure that students throughout the Nation will be introduced to historical anecdotes which set the stage for the Spanish-American War in 1898. In the wake of the Civil War, the U.S. was cementing its identity not only as a unified Nation of separate States, but also as a rising power rich in natural resources, growing and prospering and spreading the benefits of American democracy from the Atlantic to the Pacific. Against this backdrop the plight of opposed Cubans and the depravity of a crumbling European power became rich fodder for American newspapers. The Cuban uprising, the sinking of the USS *Maine*, Teddy Roosevelt and his Rough Riders and the charge up San Juan Hill, are likely to command the most attention, while the capture of Guam, the Filipino insurrection, General Emilio Aguinaldo and his Freedom Fighters and the Battle of Manila Bay will certainly not get equal attention.

The Pacific theater of the Spanish-American War is as colorful and rich in history as the Caribbean theater, but it is certainly not as well-known. Even here in the hallowed halls of Congress, few understand the 100-year progression between the arrival of an American warship on Guam in 1898 and the presence of a Guam delegate in the U.S. House of Representatives today. It is ironic, Mr. Speaker, that a war fought over Cuba and over issues pertaining to the Caribbean saw its first strike in the Pacific within a month.

The warship that stopped on Guam, the USS *Charleston*, under the command of Captain Henry Glass, was transporting American troops to the Philippines en route from Hawaii. Captain Glass received orders to stop and take the island of Guam. The *Charleston* arrived at Apra Harbor on June 21, 1898, and then, at that time, Guam was part of the Spanish empire, pretty much underfunded and pretty much forgotten within the realm of the Spanish empire.

What then was the U.S. interest in Guam in 1898 that a warship should be detoured from its intended course and ordered to take possession of what was a run-down Spanish garrison and its ill-informed commanders? Well, alas, like the declining Spanish empire, the emerging U.S. empire wanted a foothold on Asia's doorstep. Under American rule, Guam was converted from a reprovisioning port for Spanish galleons to a cooling station for naval ships, American naval ships. And while seemingly undramatic, this conversion reverberates with profound effects to this very day.

The Spanish-American War ended in December 1898 with the signing of a peace treaty in Paris. The Treaty of Paris ceded Guam, Puerto Rico and the Philippines to the United States and charged Congress with determining the civil rights and political status of the innovative inhabitants of these areas. A few days after the signing of the treaty on December 23, President William McKinley placed Guam under the full control of the Navy, ordering the Secretary of the Navy to "take such steps as may be necessary to establish the authority of the United States and give it the necessary protection and government." Once again, Guam, like in the previous 200 years, was given over to military rule.

Like their Spanish predecessors, the American naval officers who were assigned to Guam lamented the lack of adequate funding for support of a naval station, but they managed to build some roads and schools and raise some health and educational standards, and improve the lives of the Chamorro people. After more than 100 years of neglect under Spanish rule, the people of Guam were grateful for the improvement in their lives and hopeful for a bright and prosperous future under American rule. In fact, so eager were they to prove themselves worthy new members of the American household that in the interim, which lasted almost a year, in the interim between the removal from Guam of all Spanish government officials as prisoners of war and the arrival of Guam's first American naval governor, the people of Guam attempted to establish their own civilian government patterned after the American model under the leadership of Joaquin Perez. Guam's first naval governor arrived in August 189 and the naval government of Guam began to take shape in the months that followed. In its efforts to erase every vestige of foreign rule and establish America's presence and influence, the naval government imposed many new rules and regulations. Its orders were unilateral and beyond question. Its rule was strict and often clumsily racist, and still hoping to secure the benefits of American democracy for Guam, a group of island leaders drafted a petition in 1901 asking Congress to establish a permanent civilian government for Guam, one that would enable the people to mold their institutions to American standards and prepare themselves and their children for the rights, obligations and privileges as loyal subjects of the United States, and one which would remove the yoke of military government over Guam. That petition was not adhered to until 49 years later.

Mr. Speaker, 100 years ago the United States acquired Guam from Spain and established a military government of Guam. Now Guam was considered at that time a possession of the United States, and there is still much confusion as to what these small territories are in actual practice. Sometimes the term "possession" is used, sometimes the term "territory," sometimes a "protectorate," and as a "position," as if it were a thing to be owned and moved around. But in reality, the actual term and the appropriate legal term, which is also a part of the legacy of the Spanish-American War, is "unincorporated territory of the United States."

An unincorporated territory of the United States means that we are owned by the United States, but we are unincorporated. We are not fully a part of the United States. Until we change that status, congressional authority, congressional plenary authority, remains in full effect and the Constitution applies to Guam only to the extent that Congress sees fit to apply it to Guam. That is what happens when something is a territory; the Constitution applies to all American citizens, except in the territories when Congress decides which parts of the Constitution apply.

□ 1600

One of the main elements of great discussion about political theory today and the appropriate relationship between the Federal Government and the local government is the use of the 10th amendment of the Constitution where certain powers are reserved to the States or to the people.

We frequently hear references to the 10th amendment on the floor of the House in order to describe the appropriate relationship between the Federal Government and State governments and individual citizens. The concept of devolution in those cases used, as a core article, obviously draws its faith from the full application of the 10th amendment. However, the 10th amendment is not applied to Guam or any of the small territories as decided by Congress.

It was not until after World War II, and during which Guam suffered an horrific occupation by the Japanese, with the passage of the Organic Act that Guam was called an unincorporated territory. And the Organic Act of Guam is the governing document, is the basic law of Guam, and it simply means the organizing act of Guam.

For 50 years, the Navy was the primary instrument of government over Guam and the commanding officer of the naval station was also the Governor of Guam. The commander of the Marines was the head of the Department of Public Safety. The Navy chaplain was automatically the head of the Department of Education. This was the system of government which existed on Guam for the first 50 years after the Spanish-American war.

Under naval rule, political participation was very limited for island residents. A Guam Congress was authorized, but it was entirely advisory in nature. Certainly unlike any of the citizens of the 50 States, or even the District of Columbia, the citizens of Guam do not enjoy all the full protections of the U.S. Constitution. And by being and remaining an unincorporated territory in its current form, the U.S. has broad powers over the affairs of Guam and ultimately the future of the Chamorro people of Guam.

After the passage of the Organic Act in 1950, Guam had a civilian government under the U.S. flag. And in 1970, Guam was authorized the right to elect its own governor. Here we are 100 years later and we still have not solved the final political status situation for Guam.

It is ironic that in this, the 100th year of the commemoration of the Spanish-American war, there are really two remnants of that war which cry out for attention. Those are Guam and Puerto Rico. So it is a very difficult time for those two areas, and I cannot speak for Puerto Rico, but I can certainly speak for Guam, that it is a very difficult item for us to try to relate to.

How do we seek to commemorate 1898? In 1898, we had a flag raising on Guam. Implicit in that flag raising was the promise of the fulfillment of American democracy. One hundred years later, that promise has yet to be fulfilled.

How Guam commemorates the 100th anniversary of 1898 will be, in many respects, a measure of how Guamanians who are today U.S. citizens, see themselves as a society.

The other areas that were a part of the process of the Spanish-American war, namely Cuba and the Philippines, as political projects are complete. But Puerto Rico and Guam are not complete. Guam remains one of the two last pieces of the puzzle of 100 years that has come from the Spanish-American war. And it is interesting to note that when Spain lost the Spanish-American war, Spain had claims not only to the Philippines but throughout much of the central Pacific; all of the islands in Micronesia, including the Northern Marianas, much of the Caroline Islands, Palau, Yap, Ponape, Chuuk and Kosrae.

And even though America had the opportunity to inherit those claims, it chose not to and it only took one island out of the whole Micronesian region and that island was Guam. The remaining islands were then sold by Spain to Germany. Then, after World War I, those islands became a part of a League of Nations mandate that was given over to Japan. After World War II, those islands were then given as a United Nations trust territory over to the United States.

All of those islands have had their political status resolved by today. Three freely associated governments, the Republic of Palau, the Republic of the Marshalls, and the Federated States of Micronesia and the new Commonwealth of the Northern Marianas all came out of those islands which the United States chose to ignore in 1898. It makes one think that perhaps had Guam been ignored at that time, by this time today we would have our political status fully resolved.

It is ironic that those who have been most associated with the United States in the Pacific are those who have waited the longest to see their political dreams fulfilled.

Because Congress is constitutionally mandated to make all of the decisions regarding the territories, and please bear in mind that we are talking about very small units, it is particularly incumbent upon this body to examine Guam's quest for political status change.

Now, in the year 1998, in the 100th anniversary of the centennial, now is an appropriate time to take a look at the issue of Guam's political status and its quest for commonwealth.

I would also like to focus upon another issue which is directly related to the centennial celebrations. As we celebrate in the United States the centennial of the Spanish-American war, the people of the Philippines will celebrate the centennial of their Declaration of Independence.

The Philippines declared its independence in 1898 but did not actually achieve it until 1945. And although most of us recognize 1898 as the beginning of our long relationship with the Republic of the Philippines, I think it is most unfortunate that I believe a majority of Americans today are unaware of the dynamics and the nature of our initial relationship with the Filipinos.

F.E. Warren Air Force Base in Cheyenne, Wyoming, a former Army post occupied by Army Indian fighters, plays host to historical artifacts that are becoming a concern to more and more Americans and is already a concern to many, many Filipinos. I am referring to a couple of church bells taken from a Catholic church in the Philippines by members of the 11th Infantry in 1901. Known to many as the "Bells of Balangiga," which have become the center of a century-old controversy which have placed the people of the Republic of the Philippines and many of the residents of Cheyenne, Wyoming, at odds.

The people of the Philippines have repeatedly requested the return of the bells, and they would particularly like to have them back for their 100th anniversary celebration of this year of their declaration of independence from Spain. Several residents of Cheyenne, however, have expressed strong opposition to this request.

On November 7, 1997, I introduced H. Res. 312, a resolution urging the President to authorize the transfer of the ownership of one of the two bells currently displayed at F.E. Warren Air Force Base to the people of the Philippines. My purpose here is neither to glorify any of the actions taken nor condemn any of the atrocities committed at the time the bells were taken, but to shed light upon and clarify the issues behind the Bells of Balangiga.

At the onset of the Spanish-American war in 1898, the American fleet under George Dewey was ordered to attack the Spaniards at Manila Bay. Admiral Dewey and E. Spencer Pratt, the American consul in Singapore, convinced Filipino rebel leader, Emilio Aguinaldo, to ally his troops with the Americans, indicating that independence would probably be granted to the Philippines.

After Spain's defeat, however, it became evident that the Americans never intended to recognize the legitimacy of the Philippine republic declared in 1898. Aguinaldo, whose troops lacked the arms and discipline required to directly engage Americans in combat, issued a proclamation calling upon Filipinos to employ guerrilla tactics against Americans. The next few years saw a war which engendered much controversy in this country, but which is not well understood today, in which 4,200 Americans and an estimated 220,000 Filipinos lost their lives. Needless to say, atrocities were committed on both sides.

Mr. Speaker, 4,200 Americans died subduing the Philippines. In the course of the entire Spanish-American war, including the charge up San Juan Hill, only 398 Americans died in battle. But in subduing the Philippines over the next few years, 4,200 Americans died.

One particular example of the tragedy of the so-called Philippine insurrection occurred in the island of Samar. In September 26, 1901, rebels disguised as women smuggled weapons, mostly bolos, past inattentive sentries. While preparing for breakfast, the townspeople simultaneously attacked and killed Members of the Ninth Infantry "C" Company. Reinforcements were sent through the 11th Infantry and, in retaliation, Brigadier General Jacob Smith ordered every village on the island of Samar to be burned and every male Filipino over 10 years of age to be killed.

Evidence suggests that the priests at Balangiga rang the town's church bells every time the American troops were about to engage in search and destroy missions. The church bells were most likely confiscated by American troops in an attempt to ensure the secrecy and heighten the efficiency of these missions.

Three of these bells are known to exist. The survivors of the Ninth Infantry "C" Company took possession of one bell, which is now in a traveling

collection maintained by the Ninth Infantry in Korea. The Eleventh Infantry also took two bells and a 15th-century English cannon with them to the U.S. when the unit was assigned to what was then Fort D.A. Russell in Cheyenne, Wyoming.

In 1949, Fort Russell was converted to the present Air Force base which house the Bells of Balangiga after having been left there by the Eleventh Infantry. There was a time when the officers at F.E. Warren wanted to get rid of the bells. These brass relics have no relevance for F.E. Warren Air Force Base, which is a missile base. Few people seemed to know or care about these bells. That is until the government of the Philippines asked for their return.

The President of the Philippines, the current President, Fidel Ramos, first became interested in the bells as a West Point cadet in the 1950s as he attended the U.S. Military Academy.

In the late 1980s, as defense minister, Fidel Ramos sought the help of his U.S. counterpart, former Wyoming U.S. Congressman Dick Cheney, who was then the Secretary of Defense.

For the 50th anniversary of Philippine's independence from the United States in 1996, the matter was brought to President Clinton's attention. However, these efforts, along with those of many others, including mine, have fallen on deaf ears. It seems that a vast majority of the people involved have made a decision that, instead of being on the right side of this issue, they would certainly rather be on the safe side.

It is true that there has been some vocal opposition against the return of the bells. However, this opposition may not fully understand the events of the past.

Although the insurrection cost the lives of American soldiers, let us not forget that the U.S. sent troops to the Philippines in 1898 in order to subdue a country that wanted to be independent. Let us also not forget that, later on, these very same people and their descendants suffered, fought, and died fighting with our troops for a common cause in the battlefields of Bataan, Corregidor, Korea and Vietnam, making the Philippines the only Asian country that has stood with the United States in every conflict in this century.

For almost 100 years, the Philippines has been our closest friend and ally, and in the name of friendship and cooperation it would only be fitting and proper for the United States to share the Bells of Balangiga with the people of the Philippines for their centennial celebrations.

Still, there are a number of veterans groups in Wyoming vehemently opposing the return of the bells, claiming that by doing so a sacred memorial would be desecrated and dismantled.

□ 1615

I beg to differ. Although Filipinos and the majority of the people with whom I have come into contact feel that both of the bells should be returned, a proposed compromise offered by the Philippine Government calls for the United States and the Republic of the Philippines to share the bells. The bells will be recast and duplicates made. The United States and the Philippines will each keep one original and one duplicate, and the Philippines Government has even offered to absorb all of the costs involved. H. Res. 312 would facilitate this proposal.

I assure everyone that this compromise would not in any way desecrate or dismantle the memorial at Trophy Park. What we presently have at F.E. Warren is a century-old reminder of death, suffering and treachery, brought about by vicious guerrilla warfare in a highly misunderstood conflict. By having the bells and duplicates both in the Philippines and in Wyoming, this solitary memorial will be converted into fitting monuments located on both sides of the world, dedicated to the peace, friendship and cooperation that have since existed between the American and the Filipino people.

The memory of those who perished, both Americans and Filipinos, will then be associated with a compromise of peace and friendship, cemented 100 years after they volunteered to travel halfway around the world to seek and secure this same peace and friendship from the people of Asia and the Far East. We have the world to gain and nothing but silly pride to lose.

My grandfather, from whom I got my name, although I am a native of Guam, James Holland Underwood, was a marine who served during the Spanish-American War prior to being mustered out on Guam. His brother and my namesake, Robert Oscar Underwood, was also a veteran of that war. He served in the Philippines during the time of the Philippine insurrection. I am sure that these men would understand and support the concept of having national symbols such as the Bells of Balangiga unite us and not divide us, those of us who care about independence and democracy and freedom for peoples around the world. Had they been alive today, I am sure that they would applaud my efforts because they will surely realize that the Bells of Balangiga would always mean more to the Filipinos than they could ever mean to us.

Sharing the Bells of Balangiga with the Filipinos is the honorable thing to do. It is the sensible thing to do. It is the right thing to do.

On behalf of a growing number of people who have expressed their support, I urge my colleagues to cosponsor H. Res. 312.

A FURTHER TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, this is the last day for one of our most distinguished Members, RONALD DELLUMS, who has represented Oakland, California, for almost 27 years. Yesterday or the day before there have been some tributes to RON DELLUMS. There were so many Members who wanted to step up and speak their piece that some of us simply ran out of time. I did not want to end today, have Mr. DELLUMS retire or for myself for me to go home without saying a few words on his behalf.

I am a freshman on the Committee on National Security on which he has been the former chairman and now the ranking member for the Democratic Party. In the course of my experience with RON DELLUMS on the Committee on National Security, I have been struck by several things. He is a ranking member who has been always careful to make sure that he takes part of his time and allocates it to newer Members. He has forgone questioning witnesses on his own to make sure that new Members have a chance to ask questions themselves. Throughout his management of that committee, throughout his management of the minority, he has been very careful to show respect for others because he cares for others.

Today when he spoke here in the well of the House for the last time, he talked about learning the lessons of patience and the lessons of humility during his 27 years here in the House. He treated us all consistently with respect, and those who heard his remarks today will understand how much he values this House and how much he values its traditions.

I will also cherish some of my private conversations with RON DELLUMS. During one of those conversations, we talked about something that Martin Luther King, Jr. once said. Reverend King once said, the most radical action that anyone can take is to assert the full measure of his citizenship, to assert the full measure of his citizenship. When I go back to Maine and I talk to people in Maine and I want to encourage them to participate in civil society, when I want to encourage them to do everything that they can to participate in this political process, I use that quotation, and I cannot think of anyone who better exemplifies the full participation of his citizenship than RON DELLUMS.

As a freshman Member when I go back to Maine, I am often asked what I think of other people in this Chamber, how I regard other Members of Congress, how they stack up. And several times in the last few months people have said to me, is there anyone in

Congress that you regard as truly great? My answer has always been the same: RON DELLUMS. RON DELLUMS is a truly great man. This Chamber will miss him.

REPORT OF COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 Agriculture:

To the Congress of the United States:

As required by the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1998.*

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 Education and the Workforce:

To the Congress of the United States:

I am pleased to present to you the 1996 annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with fostering scholarship and enriching the ideas and wisdom born of the humanities. The agency supports an impressive range of projects encompassing the worlds of history, literature, philosophy, and culture. Through these projects, Americans of all walks of life are able to explore and share in the uniqueness of our Nation's democratic experience.

The activities of the NEH touch tens of millions of our citizens—from the youngest students to the most veteran professors, to men and women who simply strive for a greater appreciation of our Nation's past, present, and future. The NEH has supported projects as diverse as the widely viewed documentary, *The West*, and research as specialized as that conducted on the Lakota Tribe. Small historical societies have received support, as have some of the Nation's largest cultural institutions.

Throughout our history, the humanities have provided Americans with the knowledge, insights, and perspectives needed to move ourselves and our civilization forward. Today, the NEH remains vitally important to promoting our Nation's culture. Not only does its work continue to add immeasurably to our civic life, it strengthens the democratic spirit so essential to our country and our world on the eve of a new century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1998.*

AGREEMENT BETWEEN GOVERNMENTS OF UNITED STATES AND REPUBLIC OF POLAND CONCERNING FISHERIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–211)

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 Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Poland extending the Agreement of August 1, 1985, Concerning Fisheries Off the Coasts of the United States, with annexes and agreed minutes, as amended and extended (the 1985 Agreement). The Agreement, which was effected by an exchange of notes at Warsaw on February 5 and August 25, 1997, extends the 1985 Agreement to December 31, 1999.

In light of the importance of our fisheries relationship with the Republic of Poland, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1998.*

PROPOSED TOBACCO SETTLEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, let me state at the outset that I do not smoke, nor do I encourage others to smoke. Children should not smoke, nor should they be enticed to smoke. I applaud President Clinton's efforts to curb and ultimately reduce the incidence of youth smoking in the United States in the near future.

Tobacco, the mere word, engenders many strong feelings and opinions in most Americans and especially in those of us who serve in Congress. With regard to the pending tobacco settlement, no matter how you feel about tobacco, one must view it for what it is, a legal commodity grown by many American farmers.

North Carolina grows quite a lot of tobacco, both burley and flue-cured. Over 65 percent of the total U.S. production is grown in North Carolina of flue-cured. In fact, my constituency, the First Congressional District, produces more flue-cured tobacco than any other in the Nation. These eastern North Carolina farmers produced over 225 million pounds in 1995.

These North Carolina farmers, our tobacco farmers, want the same things as other Americans, a good quality of life overall for them and their families, for their children to have a good education, for them to have sufficient resources with which to provide their families with food, shelter and other amenities of life, savings for their retirement, a secure environment in which to live and work, and most importantly, hope for the future.

These farmers, our tobacco farmers, care about their children as well as other children in their community, instilling in them the values of honesty and hard work. Many of them are third and fourth generation tobacco farmers, even though some of them must seek additional employment off the farms as teachers, business persons, factory workers and other occupations. Many of them serve as leaders in their communities, in their schools, in their churches, in their synagogues and in other local and civic organizations.

Like other American farmers, like those in many of your home States, these North Carolinians prepared their land, tilled it carefully, planted their crops, tended their fields, harvested their yields and marketed their product, much like any other commodity such as corn and wheat. These farmers are often small family farms. The average size in North Carolina is 172 acres, as compared to 491 acres nationally.

Tobacco is one of the main reasons that small farmers are able to stay in business because no other crop yields as much income per acre. Most of these farmers are unable to find an alternate crop that provides a comparable income. It would take almost 8 times as much cotton, 15 times as much acreage of corn, 20 times more acreage of soybeans and 30 times more acreage of wheat to equal the income of a single acre of tobacco. Farmers would have to acquire the land, secure the needed equipment, purchase the required seed, fertilizer and pesticides and hire the labor, undue and perhaps impossible financial burdens of acquiring extra loans and debt, all too often not available to those socially disadvantaged farmers or to minority farmers.

The total income impact for North Carolina was more than $7.7 billion last year, income that came from a combination of the production, the manufacture and the marketing. North Carolina entrepreneurs and employees, all of those benefit from those resources. The money earned by farmers and those employed in tobacco-related business flow into their communities,

spreading those profits around. It has been estimated that the agriculture dollar turns over about 10 times, so 7.7 billion multiplied means there is a possibility of $77 billion available to rural communities providing many necessities and public purposes. Much of that goes to supply the value of the taxes that support schools and hospitals. So all of these programs are interrelated in terms of a quality of life that is possible in eastern North Carolina.

The present tobacco program operates on a no net cost to the Federal Government and, through the deficit reduction marketing assessment, actually contributes an average of $30 million a year to the U.S. Treasury. The continued existence of the program is vital to the continued ability of tobacco farmers to survive in this modern world of agriculture.

I believe as Congress contemplates the broad policy implications of the proposed tobacco settlement, there are several things we should consider. First, quota equity must be protected because land value reflects that cost. Two, farm income stability must be preserved in order to protect against market volatility caused by the settlement. Three, global export market excess must be preserved. Four, economic assistance for impacted communities must be provided along with assistance for those farmers. All of these must be considered if indeed we are going to have a fair and equitable settlement.

Finally, fifth, we cannot ignore the value it would have of removing these resources from the classroom for young children. Therefore, we must find funds to speak to the needs of our youth development. I ask that any discussion on a proposed settlement as we are having will continue to include the consideration of all these factors. And please understand, as we pursue this worthy policy, we must also find the implication it would mean for thousands of tobacco farmers living in my district.

□ 1630

TRIBUTE TO ROBERT DORNAN

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. STEARNS) is recognized for 30 minutes.

Mr. STEARNS. Mr. Speaker, it is an honor and a pleasure to come on the House floor tonight to speak of my good friend Bob Dornan, who has been in the press recently dealing with the decision by Congress to allow the election to go forward in the Dornan-Sánchez race.

My purpose tonight in coming forward is while Mr. Dornan has been in the press recently and there has been some controversy about this particular election, I sort of share his views, and I believe in many ways that he should still be here in Congress. My feeling is that eagles do not flock together, we have to find them one at a time. And Bob Dornan is really one of those outstanding Americans that should still be here. He represented the best of this House, and so I wanted to take a few moments tonight to talk a little bit about Bob Dornan.

The hour is late, and many of my colleagues are on their way back home to their districts, and I will be going back tomorrow, but I thought it appropriate to come to the House floor and speak about this great individual, this good friend, and what I think is an American eagle, one of a kind.

I think many of my colleagues know his personal history. He volunteered for pilot training at age 19. Was still in college and he served as a fighter pilot in the Air Force from 1952 to 1958. He served in the Air Force Reserves from 1962 to 1975 and served in the Air National Guard from 1958 to 1961. So he is a true patriot, a person that believes serving our country is important, and he is proud of his record and he makes no bones about the fact that he has great regard and respect for the military and he thinks Americans should serve their country.

He worked as a civilian combat photographer. Five of his eight trips to wartime Vietnam were served in this capacity. One of the things about this individual I like the most is he is willing to speak his mind forthrightly.

Many of us saw that great movie Jerry McGuire, in which Jerry McGuire is represented as a sports agent for Rod Tidwell in the movie, who was a football star. And Jerry McGuire writes this book which gets him fired, which essentially says I am going to tell the truth about what people really believe and not what they say. And this, of course, caused quite a stir in his sports agency and he was fired. But he went on to represent with great compassion Rod Tidwell, and eventually he was vindicated in the movie when Rod Tidwell received an $11.3 million contract when most people thought that this professional football player would not succeed. But Jerry McGuire had the faith and courage and, sometimes lack of confidence, but in the end persevered because he was willing to put his heart and mind in the same place; that his spirit and what he believed in his heart was what came out when he spoke: sincerity and honesty.

Bob Dornan is such a man, and he is to be commended for being willing to say some things that people will not say at times. He represented leadership on the House floor that many of us commend him for. One of the areas in which he was particularly articulate and also a strong advocate was the pro-life position. He was the original sponsor of the Right to Life Act, which would effectively declare abortion unconstitutional. He led the fight to end Federal funding for fetal tissue research at military hospitals and government organizations. He was one of the strongest pro-life advocates in Congress. He made no bones about that, and many of us, like myself, agree with him and look to him for leadership in that area.

He was also a humanitarian advocate, the former chairman of two important House subcommittees, the National Security Subcommittee on Military Personnel and Intelligence Subcommittee on Technical and Tactical Intelligence. He gathered and learned information for his responsibilities firsthand by traveling around this globe and visiting areas of engagement like Central America and Somalia.

He was loadmaster on twelve humanitarian missions to Africa. Now, a lot of us might go on these trips to England, we might go to France, or we might go to China and stay at the best hotels, but not Bob Dornan. When he went on a trip, he was involved at a grass roots level and as a loadmaster, not on one, not on five, not on eight, but on twelve humanitarian missions to Africa.

He visited a refugee camp in Honduras as a longtime member of the Human Rights Caucus consistently. These were part of his activities. He opposed excessive cutbacks in defense spending, especially in California in his Congressional District. He added an amendment to the 1994 crime bill that imposed the death penalty for espionage that leads to the death of U.S. agents.

The reason I talk about this is because I have been on a trip with Bob Dornan, when we went for the 50th anniversary of D-Day. This was an extraordinary time. It was bipartisan. We had 18 Senators and 25 Members of Congress. The delegation was led by Sonny Montgomery. And what was so extraordinary about this trip was to see some of these old veterans come back and to see the emotion and feeling in the people of France; how glad they were to see Americans return 50 years later, and to have the whole sense of this great movement in history because of D-Day and other successes against the Nazi government.

Most of us went through the standard procedure for the 50th anniversary and went and attended most of the functions, and we would come back at 11 o'clock at night and be very tired. One night when we came back, Bob Dornan wanted to go out again, and so the Army was kind enough to provide him a driver and a jeep and he went out because he wanted to go to some of the graves. He wanted to walk and see some of those young soldiers that died. He wanted to see their grave sites.

And he did not get back until about 5 or 6 o'clock the next morning. When

we all assembled on the bus the next morning, Bob Dornan came on time and talked about the terrific experience he had, highly emotionalized experience that went to the core of the reason we were there, to show respect and honor for these men who gave their life for their country and for this momentous occasion that turned the entire history of the Western Civilization.

He has always been a supporter of higher military pay and benefits, and endorsed the investigation of the POW-MIAs not accounted for in Vietnam. He initiated the POW-MIA bracelet. Remember, all the bracelets all of us started wearing? Bob Dornan is the one that initiated this bracelet, worn by many veterans. He led the charge to oppose the normalization of relations with Vietnam until full account of the POW-MIAs were provided, and he helped design a program to help to seek military personnel become teachers.

I mean I have more here that I want to go on, and we are going to do a special order later on for Bob Dornan, but I was just compelled to come to the floor and I am joined here with another distinguished Member of Congress from California, who is also compelled out of sheer friendship, out of sheer respect, out of sheer love for our colleague, Bob Dornan. The gentleman from San Diego (Mr. DUNCAN HUNTER) perhaps knows Bob Dornan better than anyone else on the House floor, so I will yield part of my time to the gentleman.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding, and Bob Dornan is a guy who deserves more than 15 or 20 minutes of discussion. He is a guy who deserves days of discussion, because he brought to this House of Representatives unique qualities that we had not seen before he got here and we are not going to see again for years.

I am a Member of the Committee on National Security, and I have to tell my colleagues a story about myself and Bob Dornan. When I came here as a freshman and I was competing with a lot of other people to get on the Committee on Armed Services, we had one seat we thought was from California, from a senior Member retiring. Everybody who wanted that seat, including Bob, got up to make their presentation and tell why they should get that very coveted committee seat.

When Bob got up, he started to talk in his own favor. And then he stopped and he said, you know, actually, we have this young guy down from San Diego who was in the military, who loves the military and loves national security issues, and I think we should give this thing to DUNCAN HUNTER. And he did that when I was a freshman. I had never seen such an act of generosity, such an act of goodness coming from a senior member, and I have never seen it since.

And that was Bob Dornan, a guy who had just an absolutely great heart. But beyond that, and the gentleman from Florida (Mr. STEARNS) knows this well, Bob Dornan probably had the best background in terms of all the military aircraft and all the military equipment that we look at and analyze in the Committee on National Security because he flew everything from the B-2 bomber to the newest Navy trainer. Bob Dornan was in the cockpit. And when we had authorization bills coming up, deciding how we would spend billions of dollars, it was Bob Dornan who had the hands-on experience with those pieces of equipment, who was able to give us little insights into whether or not these were really good buys.

Mr. STEARNS. If the gentleman will yield for a second, I wanted to read some of the aircraft he has piloted. A lot of us go out on these field trips and we look at these aircraft, but Bob Dornan is a little different than most of us. He has actually piloted some of these. Of course, he piloted, as the gentleman mentioned, the B-1 bomber, plus the SR-71 Blackbird, the B-52, the U-2, the FB-111, the F-15, F-16, the F-18, the AV-8 Harrier, A-10, F-111F, the F-5 Tiger and 17 other high performance fighters.

I mean this is a Congressman that got involved. He was not a back-bencher. He was not somebody that stood by and said let us talk about the appropriations for some of these aircraft. I want to find out if they operate. I want to see how well they operate, and I want to talk to the pilots and the people that operate, the repairmen, the enlisted people, noncommissioned officers. It is just an extraordinary thing to realize that this Member of Congress went out and did those things.

And I yield again to the gentleman.

Mr. HUNTER. And I say to my friend, he cared not only about what kind of equipment our military people used, but he also really cared about those people.

When we lost the Rangers in Somalia a couple of years ago, there was one member of the Committee on National Security who went out and got into an aircraft and flew about 20 hours to get over to Somalia and looked at all the facts, all the things that had happened, got debriefed on that tragedy, and then flew all the way back here and contacted every single member of the families of those Rangers who had been killed in Somalia. That was Bob Dornan.

And I felt so proud when I heard that Bob had done that, because that reflected so well on us as a Committee on National Security, the old Committee on Armed Services, because it is filled with people who really care about people in uniform and Bob had kept that tradition and kept that legacy going on.

So while the rest of us were going on trips to our district and trips overseas and were doing the work that we do here when we are in a break and have a chance to spend time with our families and maybe go out and catch up with a little relaxation time, Bob Dornan was flying in an aircraft for 20 hours straight so that he could get over to Somalia and let those people know that wear our uniform and let their families know that we cared about them.

When we stand here, we can think of all these great Bob Dornan stories. I remember one of the great stories of the Contra wars, when Ronald Reagan brought freedom to Guatemala, and Honduras, and Salvador, and Nicaragua, Congressman Jack Buechner was getting arrested in Nicaragua by the Sandinistas. I remember, from what I heard, Bob Dornan went up and said, listen, if you arrest this Member of Congress, you have to arrest me, too.

□ 1645

And that is how he was.

I remember there was a fight one time, a little match-up between two of our Members one time, just off the House floor. Both of them were about twice as big as Bob. But it was Bob who got in between and broke them up. Of course, the press hated that role for Bob Dornan because he was a peacemaker. He was not B-2 Bob; he was a peacemaker.

But when you flew into a foreign country and you flew into a place where a military conflict was taking place, Bob Dornan had a memory, an analytic capability with respect to facts that nobody on this floor has had before or since. He can give you population, he can give you all the various armed services that that country possessed, all the weaponry they possessed. And, similarly, he could totally analyze the adversary of that particular country so he could give you, basically, the match-up on both sides. What a great asset for this House.

Mr. STEARNS. Further reclaiming my time, let me take back my time and return to my colleague.

The gentleman went right into one of the things that I wanted to mention, which was his favorite line of scripture. Because he believes this is what our military and police officers today do for us on a daily basis and embodies the ideal of patriotism that he believes is so very important. This line of scripture sort of ties into what my colleague mentioned when he tried to separate the Members of Congress when they got into a little scuffle here. The line is, "Greater love than this no man has than he lay down his life for his friends."

When I think about Bob Dornan's willingness to sacrifice—and, as my colleagues know, his full name is Robert Kenneth Patrick Dornan. Almost,

when I saw the movie Brave Heart, I could not help but think of Bob Dornan because of his spiritedness and his mission and willingness to go to any lengths to help his fellow man, not just on the basis of humanitarian purposes but on honor and duty and country.

Mr. HUNTER. If the gentleman would yield further, that reminds me there was in the last year or so a lot of talk about ethnic conflict and who Bob Dornan likes and who he does not like.

I was just reminded when I was in Salvador with him, that little country, we were in Salvador during the time when Jose Napoleon Duarte, that great leader, democratic leader, in Salvador was trying to move that country from its past of military dictatorships to democracy. What a great scene that was, the one when they finally had the election.

There was a lot of activity on the part of the communist guerillas, who were supplied by the then Soviet Union, and they were trying to disrupt the election. A lady stood in line, and she had blood dripping from her arm. She had a bullet wound in the arm; and somebody said, "Do you want to go to the infirmary?" She said, "No, I never had a chance to vote and I am going to vote." I am reminded of that.

I am reminded of Jose Duarte, one of Bob Dornan's real heroes. Bob had a number of us over to Jose's house, the leader of El Salvador, at a time when he was starting to make that democracy work and he had all these great hopes for the people of El Salvador. If my colleagues could have seen and all the Americans could have seen and the Hispanic-Americans could have seen Bob Dornan sitting there with that great leader, Jose Duarte, and encouraging him to continue his fight for democracy and telling him how much he admired him and everyone who loved freedom in that small country that was beset by so many troubles, I mean, your hearts would have gone out to Bob Dornan.

Of course, his other idol, his other hero, was Cardinal Obando y Bravo, that brave Catholic leader in Nicaragua who dared to stand up to the communist Sandinistas. He was always being oppressed by that group, but he hung in there, and Bob Dornan loved him for that.

Bob Dornan loved our freedom, and that is one reason he went to Vietnam eight times. He went there as a combat photographer on five different occasions. Nobody else has done that.

My colleague mentioned that Bracelet, that POW bracelet that so many people wore. What a great idea that was. Think of all the hope that that gave people over the years and comfort that it gave them. It gave them a feeling, whenever they saw another person wearing the bracelet, they knew that this American was in solidarity with them, that they appreciated their people that had been left, the POWs and MIAs.

I know that bureaucracy came to the conclusion when the Clinton administration felt like it had to recognize communist Vietnam and they felt like they had to do that and so they pushed aside the 800-and-some odd sightings of POWs that had been reported by boat people and other folks that had fled that country. But Bob Dornan, even when that became an uncomfortable position for a person in Washington, D.C., a Washington that wanted to move over, on to other issues and move on to the issues of big business doing business in communist Vietnam, Bob Dornan held tough.

We can lose a lot of things in this life and in this political life, but he never lost his loyalty to an issue or his loyalty to his friends. That loyalty was something that every Member of Congress who walks onto the House floor should take a lesson from.

Mr. STEARNS. My colleague is correct there. I would like to reclaim my time for a moment here to also make the emphasis that Bob Dornan, while he had a national agenda and was concerned about the military personnel and had a humanitarian agenda, he was also a very wonderful, strong advocate for his congressional district. This is an individual that worked hard in his district, was available, was willing to listen to anybody at any time.

I just want to talk a little bit about what he has done in his congressional district. Because the people might know Bob Dornan because of the bracelet. They might know about him because of his oratorical skills, about his advocacies for pro-life. They might talk about his traveling the country speaking against drugs and violent crime and child pornography and some of the social issues. He was willing to take a stand.

He has won the endorsement and respect from law enforcement agencies and organizations around the country, but also, in his congressional district, the Santa Ana Police Officers Association, Latino Peace Officers Association, the National Association of Police Organizations, Crime Victims United.

But here is just some of the sampling of the things that he has done for the 46th District, his congressional district. He obtained more than $1 million for the Santa Ana Fiesta Marketplace, which is very important because it rebuilt the downtown Santa Ana neighborhood. He obtained Federal funding to assist in cleaning up neighborhoods in Buena Vista from a slum drug and prostitute area into a clean, drug-free environment for our kids. This meant he went down into the district, assessed the situation, and worked hard to get the Federal funding.

Of course, my colleagues know we were in the minority at that point. We were not in the majority. So to have a Member of Congress to get this Federal funding back into the district in which he was in the minority party is important to realize.

He assisted in obtaining police hiring grants to place new police officers in Garden Grove and Santa Ana. He facilitated in the construction of a four-acre police and fire training center in Santa Ana. He worked to ensure that the Department of Defense cleans toxic waste from El Toro Marine Corps Air Station, included a provision in the Illegal Immigration Reform Bill to empower the cities in the 46th district to apply for Federal reimbursement for costs associated with incarcerating criminal aliens.

He helped obtain almost $1 million in Federal funds for Rancho San Diego College, and he sponsored a breast health awareness fair in his district.

So, I mean, the list goes on and on of the achievements in his district on a local level for the people he represented. So even though we know Bob for some of his national agenda, these achievements are just a sample of what he has done just for the people in his district.

Mr. HUNTER. If the gentleman will further yield, and among those people were some of the people who were the most defenseless and the most without representation; and those, of course, are unborn children. Today, when we have the awareness, this growing awareness, by America that this late-term abortion, or partial-birth abortion, where a baby is actually partially born and then killed by the abortionist, that is waking America up to the horrors of abortion.

Bob Dornan was the advocate for a lot of little human beings who could not vote, could not campaign for him, did not have PAC money. But they were important for him because he had a big heart and because of his religion.

You know, we used to have a lot of fun with Bob. I mean, Bob was a guy who was an Irishman with a great sense of humor and a great sense of fun, and he was great to be with.

But I will tell you, when he was a first sponsor of the right to life, the fundamental right to life bill that was introduced here in the House of Representatives, when you had a right to life issue on the House floor, Bob Dornan was by far the most professional, most serious legislator I have ever seen.

He, together with the great HENRY HYDE and CHRIS SMITH from New Jersey and a lot of the rest of us who are kind of spear carriers in the battle, he led that battle. He did such a great job, because when Bob spoke from the heart, everybody heard him loud and clear.

Mr. STEARNS. Well, I think that is what happens, is that Bob Dornan had this ability to project issues. Where a

lot of us cannot create the aura and the rhetoric necessary to bring this into the people's mind, he could do this.

A lot of people would say that, if Bob Dornan gets ahold of an issue, he does not let it go. He sort of root hog or die, sort of the cry that the people had when they went West from the East in their covered wagons. They were going to make it one way or the other. That is the kind of determination that he had when he had an issue.

He was a very substantive Member of Congress. He had issues. He had things he believed in. You know, I say to my colleague from San Diego, there is no use being here. There is no use getting elected every year if you do not stand for something. If you come here to go along and get along, it makes no point.

You are on the board of the directors of this most wonderful, most powerful country in the world economically and militarily. You should not come to this district and hide. You should come to this district and point the way, be a beacon of light, be a light that other people can see and project what your ideas should be for all of America.

So I think Mr. Dornan did that in an unbelievable fashion. In a very truthful way, he said, I am going to be a credible congressman. I am going to state my mind. Only if 435 members would actively get engaged like Bob Dornan can we actually come up with a solution which is right. Then the people can say, is that a proper way? Is that truth or not? Bob Dornan made those a strong advocate of ideas.

Mr. HUNTER. While he represented his people and his constituency, he never let his principals be pushed aside by a poll.

We have the media always telling us polls are a bad thing in this country, and you should not always stick your finger up in the wind to see which way it is blowing before you make a decision as to what your principals are. Bob Dornan never made a major decision based on which way the wind was blowing. He had the principals, had that compass right inside him.

Incidentally, one thing we have not mentioned is that he was the Chairman of the Personnel Subcommittee on the Committee on National Security. He was the guy, when he was a chairman of that subcommittee, who authored the pay raise for every single man and woman who wears a uniform and who put in literally dozens and dozens of incentives to be in the military, incentives to stay, that helped retention, and all kinds of things that were good for quality of life for our military families. Military families never had a better friend in the House of Representatives than Bob Dornan.

Mr. STEARNS. Do you remember when you were in leadership and you assigned me as chairman of a personnel task force and, at that time, we were discussing lifting the ban on gays in the United States military and the new policy and we had several hearings? Bob Dornan was active in that.

Perhaps a lot of Members did not necessarily agree with Bob Dornan. But Bob Dornan had a strong principle in which he stated his position; but, at the same time, he was willing to listen to other people on this very controversial issue.

I remember having our hearings, of which you were helping us to bring in witnesses. He would attend those hearings, and he would ask the most concise and cogent questions. He helped to form our policy in the Republican Party dealing with this whole policy.

Today, in this important area of, you know, lifting the ban on gays in the military, he stood in the gap. I commend him for that.

Something else we should remember is that he participated in Dr. Martin Luther King's historic march on Washington.

□ 1700

A lot of Members of Congress watched it on TV. A lot of Members of Congress said, well, that is just an issue I am not involved in.

But Bob Dornan believes in the rights of individuals. He does not believe that any man or woman should be discriminated on the basis of race, creed color, or national origin. So he was out there participating, and you can see his picture in some of these photographs from the civil rights movement, in which there is Bob Dornan, out there participating. Because this is part of his personality. He wanted to get involved, he knew it was the right thing to do.

He traveled to Mississippi to assist in efforts to register black voters, despite death threats from the KKK.

Mr. HUNTER. Let's hold up on that one. Some Members of the media have accused Bob of believing in ethnic differences and in oppressing ethnic groups who want to register and vote.

So here is a guy who went to Mississippi when it was not very popular to go to Mississippi, to help the black community to register and vote, and who also marched with Martin Luther King, being accused of not believing in the community of America. Bob Dornan believed in the community of America probably more than anybody else who has ever walked out on this House floor.

Mr. STEARNS. That is why earlier I mentioned that he is a true humanitarian. He makes a statement in his life and in his past activities that "I believe freedom that works; I believe all men and women should have the opportunity to enjoy success," and he was just a patriot. He was an individual that was an active proactive individual, with a high level of energy and an enormous intelligence.

So I think tonight, that is why you and I felt it so important to come down here, because we were just moved, based on what we had seen in the newspapers today, we thought, by golly, we have got to come down here and talk about, as you pointed out, his participation in this historic march on Washington with Dr. Martin Luther King.

Mr. HUNTER. I think if Bob was here, he would say to us, "You ain't seen nothing yet," because Bob Dornan still possesses all those great talents and that great heart for America. He has a lot of wonderful kids and grandkids, and I am privileged to know some of them and have spent a lot of great time with them. Robin and Kathy, and Mark and Bobby, Jr., and Terry; and the grandkids, Ricky and Para, and Kevin and Collin, and Anna and Haley, and, incidentally, that Haley is named after I think Uncle Jack Haley, who was the Tin Man in the Wizard of Oz. That is where Bob got some of the show business blood in his veins. Erin, Robbie, Liam, Molly and Morgan.

Incidentally, Bobby Dornan, Jr., is a great buddy of mine, lives out in Virginia. We were out working on a log cabin together, and he had this little tiny baby in his arms, and I said, "Who is this?" And he said, "This is little Molly Dornan."

I tell you, if you have ever seen Bob Dornan with little Molly and the all the rest of them, and you have seen them on this bobsled run, I mean, this thing is like the Olympics. I would not get on this run, but Bob Dornan puts all these fearless grandkids together, bundles them all down around him, and goes whipping down this bobsled run at about 100 miles per hour. Bob Dornan is one of the great grandfathers in American history.

He also lets them pelt him with water balloons, and he showed an extraordinary amount of restraint when all of these grandkids started giving him the water balloon barrage.

Here is a great guy, great family man, great American. We are going to see a lot more of him.

Mr. STEARNS. You point out his family tradition. As I recollect now, I think he was been married about 43 years to one lovely woman——

Mr. HUNTER. Sally.

Mr. STEARNS. Sally. His family life exemplifies his whole life, in the sense that he is a strong family man for family, God, and all the decency that exists today in our culture.

So we will take another time to talk about our great friend and great patriot, Bob Dornan, but on this evening, we have let our sentiments to our colleagues be known.

Mr. HUNTER. God bless Bob Dornan and all those little Dornans.

Mr. STEARNS. God bless Bob Dornan.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLINK (at the request of Mr. GEPHARDT) for today, on account of illness.

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. DOGGETT) to revise and extend their remarks and include extraneous material:

Ms. SÁNCHEZ, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:

Mrs. LINDA SMITH of Washington, for 5 minutes, today.

Mr. FOLEY, for 5 minutes today and February 11.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Mrs. LOWEY, for 5 minutes today.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Mrs. CLAYTON, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. DOGGETT) and to include extraneous matter:

Mr. VISCLOSKY.
Mr. DELLUMS.
Mr. HASTINGS.
Mr. POSHARD.
Ms. ROYBAL-ALLARD.
Mr. DAVIS of Illinois.
Mr. ANDREWS.
Mr. DAVIS of Florida.
Mr. DIXON.

The following Members (at the request of Mr. WOLF) and to include extraneous matter:

Mr. DIAZ-BALART.
Mr. RADANOVICH.
Mr. MCINTOSH.
Mr. ARCHER.
Mr. BURTON of Indiana.
Mr. SALMON.

The following Members (at the request of Mrs. CLAYTON) and to include extraneous matter:

Mr. COBLE, in two instances.
Mr. FORBES.
Mr. KIND.
Mr. ANDREWS.
Mr. HINCHEY.
Mr. ROMERO-BARCELO.
Mr. MCKEON.
Mr. BURTON of Indiana.
Mr. DIXON.
Mr. VISCLOSKY.
Mr. DELLUMS.
Ms. ROYBAL-ALLARD.
Mr. HAMILTON.
Mr. HASTINGS of Florida.
Mr. POSHARD.
Mr. SALMON.
Mr. WELDON of Florida.
Mrs. MORELLA.
Mr. GOODLING.
Mr. CALLAHAN.
Mr. HYDE.
Mr. BISHOP.
Mr. BAKER.
Mr. SOUDER.
Mr. LUCAS of Oklahoma.
Mr. PICKERING.
Ms. JOHNSON of Texas.
Mr. PICKETT.
Mr. HUTCHINSON.
Ms. KILPATRICK.
Mr. WELLER.
Mr. SOLOMON.
Mrs. FOWLER.

The following Members (at the request of Mr. STEARNS) and to include extraneous matter:

Mr. PITTS.
Mr. PAYNE.
Ms. STABENOW.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

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".

ADJOURNMENT

Mr. STEARNS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of House Concurrent Resolution 201, 105th Congress, the House stands adjourned until 3 p.m. on Wednesday, February 11, 1998.

Thereupon (at 5 o'clock and 5 minutes p.m.), pursuant to House Concurrent Resolution 201, the House adjourned until Wednesday, February 11, 1998, at 3 p.m.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Member, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable GREGORY W. MEEKS, Sixth District of New York.

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, January 26, 1998.

The Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995, 2 U.S.C. §1383, I am transmitting the enclosed Supplementary Notice of Proposed Rulemaking (requesting further comment on proposed amendments to procedural rules previously adopted) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notices be published on the first day on which both Houses are in session following this transmittal.

Sincerely yours,

RICKY SILBERMAN,
Executive Director.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules.

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING

Summary: On October 1, 1997, the Executive Director of the Office of Compliance ("Office") published a Notice of Proposed Rulemaking ("NPRM") to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office ("GAO") and the Library of Congress ("Library") and their employees. 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997). The Congressional Accountability Act of 1995 ("CAA") applies rights and protections of eleven labor, employment, and public access laws to the Legislative Branch. Sections 204–206 and 215 of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), and the Occupational Safety and Health Act of 1970 ("OSHAct"), became effective with respect to GAO and the Library on December 30, 1997. The NPRM proposed to extend the Procedural Rules to cover GAO and the Library

and their employees for purposes of: (1) proceedings relating to these sections 204–206 and 215, (2) proceedings relating to section 207 of the CAA, which prohibits intimidation and reprisal for the exercise of rights under the CAA, and (3) regulating *ex parte* communications.

In the only comments received in response to the NPRM, the Library questioned whether the CAA authorizes employees of the Library to initiate proceedings under the administrative and judicial procedures of the CAA alleging violations of sections 304–207 of the Act. The Office is publishing this Supplementary Notice of Proposed Rulemaking (this "Notice") to give the regulated community an opportunity to provide further comment on the questions raised by the Library's submission.

With respect to proceedings relating to section 215 of the CAA (OSHAct) and with respect to *ex parte* communications, a separate Notice of Adoption of Amendments is being prepared to extend the Procedural Rules to cover GAO and the Library and their employees and to respond to relevant portions of the Library's comments, and will be published shortly.

Dates: Comments are due within 30 days after the date of publication of this Notice.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call.

Availability of comments for public review: Copies of comments received by the Office will be available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 2 U.S.C. §§ 1301–1438, applies the rights and protections of eleven labor, employment, and public access laws to certain defined "covered employees" and "employing offices" in the Legislative Branch. The CAA expressly provides that GAO and the Library and their employees are included within the definitions of "covered employees" and "employing offices" for purposes of four sections of the Act:

(a) EPPA. Section 204, making applicable the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA")—in which subsection (a) generally prohibits an employing office from requiring a covered employee to take a lie detector test, regardless of whether the covered employee works in that employing office; and subsection (b) provides that the remedy for a violation shall be such legal and equitable relief as may be appropriate, including employment, reinstatement, promotion, and payment of lost wages and benefits.

(b) WARN Act. Section 205, making applicable the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act")—in which subsection (a) prohibits the closure of an employing office or a mass layoff until 60 days after the employing office has served written notice on the covered employees or their representatives; and subsection (b) provides that the remedy for a violation shall generally be back pay and benefits for up to 60 days of violation.

(c) USERRA. Section 206, making applicable the rights and protections of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA")—in which subsection (a) protects covered employees who serve in the military and other uniformed services against discrimination, denial of reemployment rights, and denial of benefits by employing offices; and subsection (b) provides that the remedy for a violation shall include requiring compliance, requiring compensation for lost wages or benefits and, in case of a willful violation, an equal amount as liquidated damages, and the use of the "full equity powers" of "[t]he court" to fully vindicate rights and benefits.

(d) OSHAct. Section 215, making applicable the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct")—in which subsection (a) protects the safety and health of covered employees from hazards in their places of employment; subsection (b) provides that the remedy for a violation shall be an order to correct the violation; and subsection (c) specifies procedures by which the Office of Compliance conducts inspections, issues and enforces citations, and grants variances.

Sections 204–206 and 215 go into effect by their own terms with respect to GAO and the Library one year after transmission to Congress of the study under section 230 of the CAA. The Board of Directors of the Office ("Board") transmitted its study (the "*Section 230 Study*") to Congress on December 30, 1996, and sections 204–206 and 215 therefore went into effect at GAO and the Library on December 30, 1997.

The NPRM proposed to extend the Procedural Rules of the Office, which govern the consideration and resolution of alleged violations of the CAA, to cover GAO and the Library and their employees in four respects:

(1) Sections 401–408 of the CAA establish administrative and judicial procedures for considering alleged violations of part A of Title II of the CAA, which includes sections 204–206, and the Procedural Rules detail the procedures administered by the Office under sections 401–406. On the premise that GAO and the Library and their employees are covered by the statutory procedures of sections 401–408 when there is an allegation that sections 204–206 have been violated, the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of a violation of these sections.

(2) Section 207 prohibits employing offices from intimidating or taking reprisal against any covered employee for exercising rights under the CAA. On the premise that GAO and the Library and their employees are covered under section 207, as well as under the statutory procedures of sections 401–408 when there is an allegation that section 207 has been violated, the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of intimidation or reprisal prohibited under section 207.

(3) Section 215 specifies the procedures by which the Office conducts inspections, issues citations, grants variances, and otherwise enforces section 215, and the Procedural Rules detail the procedures administered by the Office under that section. As these statutory procedures are part of section 215, which expressly covers GAO and the Library and their employees, the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of proceedings under section 215.

(4) Section 9.04 of the Procedural Rules, which regulates *ex parte* communications, includes within its coverage any covered employee and employing office "who is or may reasonably be expected to be involved in a proceeding or rulemaking." As GAO and the Library and their employees may reasonably be expected to be involved in proceedings and rulemakings, the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of section 9.04.

As to proceedings under section 215 of the CAA (OSHAct) and *ex parte* communications, the Library's comments argue that the Library should not now come under the Office's Procedural Rules generally or under the Rules relating to section 215 proceedings specifically. After considering those arguments, the Executive Director, with the approval of the Board, has decided to amend the Procedural Rules to cover GAO and the Library and their employees with respect to proceedings under section 215 and *ex parte* communications, and a Notice of Adoption of Amendments to accomplish this and to respond to relevant portions of the Library's comments is being prepared and will be published shortly.

However, as to whether CAA procedures cover GAO and the Library and their employees for purposes of resolving disputes under section 205–207, the Library's comments raises issues of statutory interpretation upon which the Office seeks comments. The Library argues that Congress "expressly excluded" the Library and other instrumentalities from the application of all procedural and other provisions of the CAA other than the substantive provisions in Title II. The Library states: "A fair reading of the CAA is that Congress intended to ensure that the Library's employees were covered by the substantive protections of the law, but that no procedural regulations should affect the Library's employees until the Office of Compliance completed its study [under section 230], made it legislative recommendations, and Congress acted on those recommendations." (The Office of Compliance has made the Library's entire submission available for public review in the Law Library Reading Room of the Law Library of Congress, at the address and times stated at the beginning of this Notice.) The Office hereby invites the views of the entire regulated community on the issues raised by the Library, including the following specific questions:

SUPPLEMENTAL REQUEST FOR COMMENT

1. Can GAO and Library employees use the administrative and judicial procedures of sections 401–408 of the CAA when a violation of sections 204–206 (EPPA, WARN Act, USERRA) is alleged?

As noted above, the NPRM was premised on the view that the administrative and judicial procedures of section 401–408 cover GAO and the Library and their employees with respect to proceedings where violations of sections 204–206 are alleged. Because the procedures in section 401–408 can only be invoked upon an allegation that substantive rights granted in Title II have been violated, the procedures arguably derive their scope from the substantive provision involved in a particular proceeding. Sections 204–206 expressly

cover GAO and the Library and their employees, and, if the premise of the NPRM is correct, proceedings under sections 401–408 that involve alleged violations of sections 204–206 may likewise cover those instrumentalities and employees. However, the Library's comment challenged this premise, arguing that Congress "expressly excluded" the Library and other instrumentalities from the application of all portions of the CAA except the substantive provisions of Title II.

Commenters are asked to provide their views as to whether the statutory procedures under sections 401–408 should be construed as covering GAO and the Library and their employees where violations of sections 204–206 are alleged, and are requested to present the legal rationales that may bear on this inquiry. Commenters should address:

The relationship, if any, between the substantive requirements and remedies granted in part A of Title II and the procedures established in Title IV of the CAA.

The definitions and usage of the defined terms "covered employee" and "employing office" in various portions of the Act.

Whether the statute can be read to provide substantive rights and remedies but not procedures.

The provision in section 415 of the CAA prohibiting the use of the Office's awards-and-settlements account for awards and settlements involving GAO and the Library.

The effect that section 225(d) of the CAA should have in determining this issue.

The canons of construction requiring that statutes in derogation of sovereign immunity must be construed strictly in favor of the sovereign and that a statutory construction which raises constitutional questions such as separation-of-powers may be adopted only if clearly required by the statutory text.

2. Notwithstanding whether the procedures established under the CAA apply, are other procedures, whether internal or external to GAO and the Library, available for considering alleged violations of sections 204–206 and for imposing the remedies available under those section?

In conducting the *Section 230 Study*, the Board received information from GAO and the Library and their employees indicating that a variety of internal and external venues are available for consideration of employee allegations of violations of workplace rights and protections. Commenters are invited to provide their views on the extent to which procedures other than those established by the CAA are available to GAO and the Library and their employees where a violation of sections 204–206 is alleged and the monetary and equitable remedies specified in those sections are sought. Furthermore, insofar as existing procedures may not comprehensively cover any dispute or provide any remedy afforded under the CAA, do GAO, the Library, and other employing offices have the authority to craft new procedures and, through such procedures, to grant whatever monetary and non-monetary remedies the CAA provides?

In responding to this inquiry, commenters are also asked to consider the implications of several provisions in the CAA. Do the following provisions limit the availability to GAO and the Library and their employees of the administrative, judicial, and negotiated procedures that might otherwise be available to them where violations of sections 204–206 are alleged and remedies granted under those sections are sought.

Section 225(d) and (e) and 401 contain provisions specifying, in general terms, what procedures must be used to consider a CAA violation and to seek a CAA remedy.

Section 409 and 410 allow judicial review of CAA regulations and of CAA compliance only pursuant to the procedures of section 407, which provides for judicial review of Board decisions, and section 408, which provides a private right of action.

Commenters are also requested to be clear as to whether procedures available outside of the CAA cover claims by applicants for employment, former employees, and temporary and intermittent employees, and whether these procedures cover allegations by GAO or Library employees that their rights granted under the CAA were violated by other employing offices and allegations by employees of other employing offices that their CAA rights were violated by GAO or the Library.

3. Does section 207 of the CAA cover GAO and the Library and their employees with respect to sections 204–206 and 215? If not, do other laws, regulations, and procedures covering GAO and the Library and their employees afford similar protection against intimidation and reprisal for exercising CAA rights?

The RPRM proposed to amend the Procedural Rules to cover GAO and the Library and their employees with respect to "any allegation of intimidation or reprisal prohibited under section 207 of the Act." While the Library did not object to this proposal, section 207 does not expressly cover GAO and the Library and their employees. Comment is therefore invited on whether the prohibition against intimidation and reprisal established by section 207 should be construed as covering GAO and the Library and their employees.

If section 207 is construed not to apply, would other laws and regulations covering GAO and the Library and their employees afford protection against intimidation and reprisal for exercising rights under the CAA Would these laws and regulations afford the same substantive rights and remedies as section 207? What procedures would be available to consider violations and to impose such remedies? Commenters are requested to be clear as to whether such laws, regulations, and procedures outside of the CAA cover applicants for employment, former employees, and temporary and intermittent employees, and whether these laws, regulations, and procedures cover allegations that GAO or the Library intimidated or took reprisal against employees of other employing offices and allegations that other employing offices intimidated or took reprisal against GAO or Library employees for exercising rights granted under the CAA.

* * * * *

No decision will be made as to whether the Procedural Rules will be amended to cover GAO and the Library and their employees for purposes of alleged violations of sections 204–207 until after the comments requested in this Notice have been received and considered. During this interim period, the Office will accept requests for counseling under section 402, requests for mediation under section 403, and complaints under section 405 filed by GAO or Library employees and/or alleging violations by GAO or the Library where violations of sections 204–207 of the CAA are alleged. Any objections to jurisdiction may be made to the hearing officer or the Board under sections 405–406 or to the court during proceedings under sections 407–408. The Office will counsel any employees who initiate such proceedings that a question has been raised as to the Office's jurisdiction and that the employees may wish to preserve their rights under any other available procedural avenues.

Signed at Washington, D.C., on this 26th day of January, 1998.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7006. A letter from the Secretary of Defense, transmitting the Department's Annual Report to the President and the Congress 1998, pursuant to 10 U.S.C. 113; to the Committee on National Security.

7007. A communication from the President of the United States, transmitting a copy of Presidential Determination No. 98–7: Emigration Policies of Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, pursuant to 19 U.S.C. 2432(a) and 2439(a); (H. Doc. No. 105—209); to the Committee on International Relations and ordered to be printed.

7008. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102—1, section 3 (105 Stat. 4); (H. Doc. No. 105—212); to the Committee on International Relations and ordered to be printed.

7009. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Department's report entitled "Country Reports on Human Rights Practices for 1997," pursuant to 22 U.S.C. 2151n(d); to the Committee on International Relations.

7010. A communication from the President of the United States, transmitting the President's report entitled "Destruction of Equipment East of the Urals"; to the Committee on International Relations.

7011. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–226, "James M. McGee, Jr., Street, S.E. Designation Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7012. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–227, "Ronald H. Brown Building Designation Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7013. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–228, "Brian T. A. Gibson Memorial Building Designation Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7014. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–229, "Closing of a Public Alley in Square 5157, S.O. 95–107, Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7015. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–230, "Taxicab Commission Hearing Examiner Amendment Act of 1997" received January 29, 1998, pursuant to

D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7016. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-231, "Fleet Traffic Adjudication Amendment Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7017. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-232, "Closing of a Public Alley in Square 5405, S.O. 96-135, Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7018. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-233, "Criminal Code Technical Amendments Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7019. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-234, "Establishment of Council Contract Review Criteria Temporary Amendment Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7020. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-235, "Tax Revision Commission Establishment Temporary Amendment Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7021. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-236, "Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Temporary Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7022. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-246, "Technical Amendments Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7023. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-249, "Chief Procurement Officer Qualification Amendment Act of 1997" received January 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7024. A letter from the Interim District of Columbia Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the Department of Employment Services' Surplus Tax Surcharge Funds.," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

7025. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

7026. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled the "Federal Employees Health Benefits Children's Equity Act of 1997"; to the Committee on Government Reform and Oversight.

7027. A letter from the Secretary of Energy, transmitting the FY 1997 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

7028. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

7029. A letter from the the Administrative Assistant, the Disabled American Veterans, transmitting the report of the proceedings of the organization's 76th National Convention, including their annual audit report of receipts and expenditures as of December 31, 1996, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 105—208); to the Committee on Veterans' Affairs and ordered to be printed.

7030. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Albania, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 105—210); to the Committee on Ways and Means and ordered to be printed.

7031. A letter from the Chairman, International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 2000; to the Committee on Ways and Means.

7032. A letter from the Executive Director, Office of Compliance, transmitting supplementary notice of proposed rulemaking for publication in the Congressional Record, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

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. DREIER: Committee on Rules. House Resolution 352. Resolution providing for consideration of motions to suspend the rules (Rept. 105-415). 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. COBLE:

H.R. 3163. A bill to amend the Trademark Act of 1946 to provide protection for trade dress, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON (for himself and Mr. YOUNG of Alaska):

H.R. 3164. A bill to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Resources.

By Mr. BAKER:

H.R. 3165. A bill to amend the Securities Exchange Act of 1934 to provide an opportunity for judicial review concerning the adoption of accounting principles applicable to issuers of federally-registered securities; to the Committee on Commerce.

By Mr. BURTON of Indiana (for himself, Mr. ARCHER, Mr. THOMAS, Mr. MICA, Mr. SALMON, Mr. SESSIONS, Mr. GILMAN, Mr. COOKSEY, Mr. CUNNINGHAM, Mr. ENSIGN, Mr. NORWOOD, Mr. CANNON, Mr. HASTERT, Mrs. KELLY, Mr. COX of California, Mr. STUMP, Mr. PAUL, Mr. BALLENGER, Mr. INGLIS of South Carolina, Mr. WALSH, Mr. PAPPAS, Mr. DREIER, Mr. CHRISTENSEN, Mr. GANSKE, Mr. KNOLLENBERG, Mr. FOLEY, Mr. MCCRERY, Mr. CRANE, Mr. BRADY, Mr. SAM JOHNSON, Mr. ENGLISH of Pennsylvania, Mr. CAMP, Ms. GRANGER, Mr. MILLER of Florida, Mr. DELAY, Mr. HILLEARY, Mr. TALENT, Mr. PETRI, Mr. COOK, Mr. HOUGHTON, Mr. MCINTOSH, Mr. BOEHNER, Mrs. MYRICK, Mr. ARMEY, Mr. HOEKSTRA, Mr. SPENCE, Mr. HAYWORTH, Mr. BARTON of Texas, Mr. PETERSON of Minnesota, Mr. BOB SCHAFFER, Mr. LINDER, Mr. METCALF, Mr. SOUDER, Mr. NUSSLE, Mr. SHADEGG, Mr. WELDON of Florida, Mr. KLUG, Mr. ROHRABACHER, and Mr. DICKEY):

H.R. 3166. A bill to amend title 5, United States Code, to permit the use of medical savings accounts under the health benefits program for Federal employees, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. KING of New York, Mr. LAZIO of New York, Mr. FORBES, and Mrs. MCCARTHY of New York):

H.R. 3167. A bill to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the "Jerome Anthony Ambro, Jr. Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. HUTCHINSON (for himself, Mr. CANADY of Florida, Mr. CONYERS, Mr. HASTINGS of Florida, Mrs. MYRICK, Mr. BLUNT, Ms. LOFGREN, Mr. OBERSTAR, Mr. ALLEN, Mr. KLECZKA, Mr. FILNER, Mr. DEFAZIO, Mr. FROST, Mr. MARTINEZ, Ms. FURSE, Mr. BARRETT of Wisconsin, Mr. WEXLER, and Mr. SHADEGG):

H.R. 3168. A bill to clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H.R. 3169. A bill to amend the Occupational Safety and Health Act of 1970 to include State and local law enforcement agencies under the protection of such Act; to the Committee on Education and the Workforce.

By Mrs. KENNELLY of Connecticut:

H.R. 3170. A bill to amend the Internal Revenue Code of 1986 to prevent the conversion of ordinary income or short-term capital gain into income eligible for the long-term capital gain rates, and for other purposes; to the Committee on Ways and Means.

By Mr. KLUG (for himself, Mr. OXLEY, Mr. HALL of Texas, Mr. STEARNS, and Mr. PAXON):

H.R. 3171. A bill to require the Federal Communications Commission to eliminate from its regulations the restrictions on the cross-ownership of broadcasting stations and newspapers; to the Committee on Commerce.

By Mr. PETERSON of Pennsylvania:

H.R. 3172. A bill to provide that funds received by the Federal Government from a tobacco industry settlement shall be used for part A of Medicare; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3173. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITE (for himself, Mr. HASTINGS of Washington, Mr. FRANKS of New Jersey, Mrs. MALONEY of New York, and Mr. NETHERCUTT):

H.R. 3174. A bill to amend the Federal Election Campaign Act of 1971 to require electronic preservation and filing of reports filed with the Federal Election Commission by certain persons, to require such reports to be made available through the Internet, and for other purposes; to the Committee on House Oversight.

By Mr. GILMAN (for himself and Mr. GINGRICH):

H. Con. Res. 209. Concurrent resolution remembering the life of George Washington and his contributions to the Nation; to the Committee on Government Reform and Oversight.

By Mr. SHAYS (for himself, Mrs. JOHNSON of Connecticut, Mr. GREENWOOD, Mr. LIPINSKI, Mrs. KENNELLY of Connecticut, Mr. REGULA, Mr. LAFALCE, Mr. FARR of California, Mr. FROST, and Mr. GOODE):

H. Con. Res. 210. Concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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. FAZIO of California:

H. Res. 351. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. KINGSTON (for himself, Ms. BROWN of Florida, Mr. CALLAHAN, Mrs. FOWLER, Mr. TRAFICANT, Mr. WAMP, Mr. BARRETT of Nebraska, Mrs. MALONEY of New York, and Mr. DEAL of Georgia):

H. Res. 353. A resolution expressing the sense of the House of Representatives concerning human rights and due process in Ecuador; 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. 135: Mr. BURTON of Indiana.

H.R. 347: Mr. SHADEGG.

H.R. 453: Mr. VENTO, Mrs. ROUKEMA, Mr. DEFAZIO, Ms. RIVERS, Mr. FOLEY, and Mr. WEXLER.

H.R. 586: Mr. COYNE.

H.R. 612: Mr. JEFFERSON, Mr. MCINTOSH, Mr. POSHARD, Mr. SESSIONS, Mr. BARRETT of Wisconsin, Mr. BROWN of Ohio, Mr. PETERSON of Minnesota, Mr. HASTINGS of Florida, Mr. WISE, Mr. BAESLER, Mr. PASCRELL, Mr. NETHERCUTT, Mr. KING of New York, Mr. MOLLOHAN, Mr. HEFLEY, and Mr. COOK.

H.R. 634: Mr. BONILLA.

H.R. 859: Mr. BALLENGER, Mr. STUMP, Mr. TURNER, and Mr. JONES.

H.R. 979: Mr. HEFNER, Mrs. TAUSCHER, Mr. METCALF, and Mr. HINOJOSA.

H.R. 1104: Mr. FRANK of Massachusetts and Mr. SHERMAN.

H.R. 1111: Ms. KAPTUR, Mr. SANDLIN, Mr. PRICE of North Carolina, and Mr. MOLLOHAN.

H.R. 1114: Mr. CASTLE and Mr. COMBEST.

H.R. 1126: Mrs. LOWEY and Mr. GORDON.

H.R. 1215: Mr. GILMAN.

H.R. 1231: Mr. ADAM SMITH of Washington.

H.R. 1302: Mr. KENNEDY of Rhode Island.

H.R. 1362: Mr. BASS.

H.R. 1595: Mr. BALLENGER.

H.R. 1689: Mr. TURNER, Mr. WEYGAND, Mr. LOBIONDO, and Mr. HOSTETTLER.

H.R. 1763: Mr. SHAYS.

H.R. 1814: Mr. FOLEY.

H.R. 1951: Mr. JACKSON, Mr. OBERSTAR, Ms. DELAURO, Mr. POSHARD, and Mr. BLAGOJEVICH.

H.R. 2023: Mr. KENNEDY of Rhode Island.

H.R. 2053: Mr. FATTAH.

H.R. 2145: Mr. FARR of California, Mr. MCHUGH, Mr. THORNBERRY, and Mr. WATKINS.

H.R. 2154: Mr. CLYBURN, Mr. FROST, Ms. SLAUGHTER, Mr. FATTAH, Mrs. THURMAN, and Mr. GEJDENSON.

H.R. 2191: Mr. PETERSON of Minnesota.

H.R. 2202: Mrs. MYRICK and Mr. ENGEL.

H.R. 2228: Mrs. MALONEY of New York.

H.R. 2250: Mrs. MYRICK and Mr. CALVERT.

H.R. 2363: Mr. HASTINGS of Washington.

H.R. 2365: Mr. HINCHEY.

H.R. 2374: Mr. DELLUMS.

H.R. 2497: Mr. SKEEN, Mr. HILLEARY, Mr. PORTMAN, Mr. HORN, Mr. FOSSELLA, Mr. WHITFIELD, Mr. PEASE, Mr. LEWIS of California, Mr. LATHAM, Mr. SMITH of Oregon, Mr. PICKERING, Mr. BAKER, Mr. MCKEON, Mr. HUNTER.

H.R. 2499: Mr. HOEKSTRA, Mr. BROWN of California, Mr. WATTS of Oklahoma, Mr. JACKSON, and Mr. GUTIERREZ.

H.R. 2537: Mr. DEFAZIO and Mr. GALLEGLY.

H.R. 2556: Mr. METCALF.

H.R. 2560: Mr. BROWN of Ohio, Mr. MENENDEZ, Mr. HOYER, Mr. MCDERMOTT, Mr. EDWARDS, Mr. SISISKY, and Mr. ROTHMAN.

H.R. 2604: Mr. PORTER, Mr. BARRETT of Nebraska, Mr. CANADY of Florida, and Mr. TALENT.

H.R. 2701: Mr. MANTON, Mrs. MALONEY of New York, Mr. SCHUMER, Ms. STABENOW, Mr. MCNULTY, Mr. FRANK of Massachusetts, Ms. VELÁZQUEZ, Mr. NADLER, Mr. HINCHEY, Mrs. LOWEY, Mr. WALSH, Mr. SERRANO, Mr. ACKERMAN, Mr. PETERSON of Minnesota, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. KING of New York, and Mr. MOLLOHAN.

H.R. 2713: Mr. FILNER and Mr. MCDERMOTT.

H.R. 2714: Mr. BILBRAY.

H.R. 2757: Mr. POSHARD.

H.R. 2760: Mr. HANSEN.

H.R. 2775: Mr. FATTAH, Mr. GOODLING, Mr. COYNE, Mr. KANJORSKI, and Mr. MCHALE.

H.R. 2817: Mr. ENGLISH of Pennsylvania and Mr. BLUNT.

H.R. 2855: Mr. DEFAZIO and Mr. BORSKI.

H.R. 2868: Mr. DEFAZIO.

H.R. 2870: Mr. DOOLEY of California.

H.R. 2874: Mr. ENGLISH of Pennsylvania.

H.R. 2884: Mr. PETRI and Mr. GOODLATTE.

H.R. 2908: Mr. WALSH, Mr. ENGEL, Mr. GALLEGLY, Mr. LUCAS of Oklahoma, Mr. PETERSON of Minnesota, Mr. MCHUGH, Mr. ORTIZ, and Mr. HILL.

H.R. 2912: Ms. JACKSON-LEE, Ms. STABENOW, and Mr. LUCAS of Oklahoma.

H.R. 2914: Mr. SKELTON.

H.R. 2923: Mr. FROST, Mr. MOLLOHAN, and Mr. CUNNINGHAM.

H.R. 2936: Mr. ADERHOLT.

H.R. 2939: Mr. NETHERCUTT, Mr. OXLEY, Mr. HILLEARY, Mr. MILLER of Florida, Mr. COBLE, Mr. GOODLATTE, Mr. FOLEY, and Mr. CALVERT.

H.R. 2973: Mr. NORWOOD, Mr. LEWIS of Georgia, and Mr. SESSIONS.

H.R. 2983: Mr. EVANS, Mr. MEEHAN, Mr. MCGOVERN, and Ms. WOOLSEY.

H.R. 3001: Mr. ENGLISH of Pennsylvania, Mr. FILNER, and Ms. FURSE.

H.R. 3033: Mr. FROST, Mr. MENENDEZ, Mr. CLAY, Mr. JEFFERSON, Mr. THOMPSON, Mr. STOKES, Ms. CARSON, Mr. RUSH, Mr. CUMMINGS, and Mr. NEAL of Massachusetts.

H.R. 3086: Mr. KENNEDY of Massachusetts and Mr. RAHALL.

H.R. 3101: Mr. FROST and Mr. ENGLISH of Pennsylvania.

H.R. 3102: Mr. MATSUI, Mr. FRANK of Massachusetts, Mr. ENGLISH of Pennsylvania, Mr. DELAHUNT, Mr. KLUG, Mr. FOLEY, Mr. FROST, and Mr. PAUL.

H.R. 3110: Mrs. MYRICK and Mr. ENGLISH of Pennsylvania.

H.R. 3120: Mr. KOLBE, Mr. RADANOVICH, Mr. COOK, Mr. CRAPO, Mr. DOOLITTLE, Mr. FALEOMAVAEGA, Mr. MCKEON, and Mr. PACKARD.

H.R. 3126: Mr. BORSKI.

H.R. 3133: Mr. METCALF.

H. Con. Res. 106: Mr. WEXLER.

H. Con. Res. 202: Mr. CHRISTENSEN, Mr. SESSIONS, Mr. INGLIS of South Carolina, Mr. DICKEY, Mr. KING of New York, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BACHUS, Mr. WATTS of Oklahoma, Mr. HOSTETTLER, Ms. PRYCE of Ohio, Mr. BUYER, and Mr. CANNON.

H. Res. 267: Mr. SOUDER, Mr. PETRI, Mr. MCINTOSH, and Mr. FAWELL.

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. 2021: Mr. LIPINSKI.

H. Con. Res. 182: Mr. DAVIS of Virginia.

SENATE—*Thursday, February 5, 1998*

The Senate met at 10:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Dear God, our Father, we thank You for the blessings You release when Your people pray. The President and Vice President and their families, the Justices of the Supreme Court, the Members of the House of Representatives and the men and women of this Senate, along with those of us privileged to work with them, are recipients of the impact of the prayers of intercession prayed by millions of Americans around the clock. Help us to remember that You are seeking to answer those prayers as we receive Your wisdom and guidance. May we never feel alone or only dependent on our own strength. Your mighty power is impinging on us here as a result of people's prayers. An unlimited supply of supernatural strength, wisdom and vision from You is ready to be released.

But, Lord, also, remind us that our ability to receive is dependent on our willingness to pray for each other here as we work together. We recommit ourselves to be channels of prayer power not only to our friends and those with whom we agree, but also for those with whom we disagree, those we consider our political adversaries, and especially those who test our patience, or those we need to forgive. So, lift our life together from a battle zone of combative words to a caring community of leaders who pray for and communicate esteem for one another. Thank You for giving us unity in spirit as we deal with diversity of ideas. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator GORTON of Washington State, is recognized.

SCHEDULE

Mr. GORTON. Mr. President, on behalf of the majority leader, I announce that this morning the Senate will be in a period for the transaction of morning business until 11 a.m. At 11 a.m. the majority leader hopes that the Senate will be able to begin consideration of S. 1601, the cloning bill. We hope that the Senate will be able to make good progress on this legislation throughout today's session of the Senate.

As a reminder to all Members, the Senate will not be in session on Friday.

I thank my colleagues for their attention.

MEASURE PLACED ON THE CALENDAR—S. 1611

Mr. GORTON. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will read the bill for the second time.

The 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. GORTON. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the Calendar of General Orders.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Mr. GORTON. Mr. President, I now ask unanimous consent that I may be allowed to proceed for 15 minutes in morning business and that, if the Senator from Nevada, Mr. REID, is on the floor when I complete my remarks, he be recognized.

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

MICROSOFT

Mr. GORTON. Mr. President, while the Senate is conducting its morning business, a conference is being held in Georgetown by the Progress & Freedom Foundation (PFF) on an issue that has gotten a great deal of attention over the past few weeks. From the conference title—Competition, Convergence and the Microsoft Monopoly—one might be deceived into believing these are frightening times for American consumers.

Any fears about the success of Microsoft isn't coming from those who buy Microsoft products, but from frustrated competitors. While I don't dismiss the concerns expressed by anti-Microsoft factions, their arguments certainly lack force when consumers appear to be so completely uninterested in this tale.

In fact, that's the untold story in the drama of the past several months—what does the consumer think of all this? How are American consumers being impacted? These questions are appropriate when you consider that the anti-trust laws of this country came into being to encourage competition and to protect consumers, not to settle bickering among business competitors.

Unfortunately, a lot of words have been printed and broadcast on this subject, but we've hardly heard a peep from the people who matter most—the consumers. This concerns me precisely because it appears that so many people participating in this dispute have already decided who gets to wear the black hat, and who the white.

At this morning's event my colleague from Utah, Senator HATCH, who chairs the very committee that exercises jurisdiction over the antitrust laws, spoke to the PFF conference about the Microsoft dispute. Normally, I don't keep track of where my colleagues make speeches and what they speak about, but because Senator HATCH has been quoted in the news media as taking a very hard anti-Microsoft line, I feel compelled to share some of his statements with my colleagues and rebut some of the criticism that he, and other Microsoft critics, have tossed out in the past several weeks about one of America's most visible, and successful, companies.

On Jan. 25th, Senator HATCH spoke at length to the San Jose Mercury News about Microsoft and his competitors, and I was surprised by the tone of his remarks. The newspaper quotes Senator HATCH as saying, "if Microsoft has engaged in driving out competition, and I think it has—most everybody who's looked at it carefully believes it has—and takes control of (Internet standards), they're going to exercise a tremendous amount of control over Internet content and commerce." Senator HATCH goes on to say, "if they're using anticompetitive practices to achieve that, it's wrong—and we have to do something about it."

In light of Senator HATCH's comments, I am concerned about how Microsoft is treated on Capitol Hill. Fortunately, Senator HATCH has promised that the Judiciary Committee has no intention of interfering with [the Microsoft litigation] and as our examination goes forward, we will work in a bipartisan manner to ensure that it continues to be fair and balanced. (Feb. 3 letter to GORTON/MURRAY)

I appreciate this statement, but I must admit it concerns me when he

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

speaks at a conference that refers to Microsoft as a "monopoly."

Having said that, I would like to begin my comments on the Microsoft investigation by making a couple of points:

First, the question of whether the company has violated antitrust laws is something of an abstract question that has been posed, not by American consumers, but by Microsoft's competitors. I believe that to be the key of this entire discussion, and why I feel so strongly that Microsoft is being treated unfairly. This isn't an effort led by those who purchase software products . . . if it were, you can be sure that my attitude would be much different . . . this fight was started by those who must compete with Microsoft, which, in my opinion, makes it very hard for those individuals and companies to make an argument that is not completely driven by their self-interest.

Let's remember why we have antitrust laws in this country—these laws weren't written to preserve unsuccessful competitors; they were written to encourage competition, and thereby protect consumers. And to date, I haven't seen one bit of evidence to support the theory that consumers are being hurt by Microsoft's success, or the success of any other company in the software industry.

Second, as a former state attorney general, I support government enforcement of antitrust laws, but I cannot support the DOJ's attempts to restrict Microsoft's ability to produce and market the full-featured products its customers demand. Product design decisions should be made by software developers responding to consumer demand in the marketplace, not by governmental agencies.

And so on behalf of the American consumer, indeed the American economy, I'd like to review a few facts that we simply should not overlook today.

From 1990 to 1996, the number of software companies in the United States grew 81 percent, from 24,000 to 44,000 companies.

During the same period, employment in the American software industry grew 70 percent, to more than 600,000 jobs today.

The industry generated direct wages of more than $36 billion in 1996, and another $83 billion in related sectors of the economy.

It generated $7.2 billion in taxes paid to federal and state governments, and another $7.9 billion through the "ripple" effect.

Venture capital investment in new technology companies is at an all time high—$2.4 billion invested last year alone.

Prices for personal computer hardware and software are constantly falling. Where a single Microsoft application such as Microsoft Word cost $399 in 1990, today consumers can acquire all of Microsoft Office (which includes word processing, spreadsheet, presentations, scheduling and other functionality) for just $499 at retail.

If Microsoft's competitors are right, how could all of that success taken place? Wouldn't logic tell us that if a "Microsoft Monopoly" actually existed, prices would be higher, job growth would be lower, and venture capital investment would be next to nothing? Yet, the facts show the opposite course.

Also, I think it's important to remind ourselves that all of these accomplishments took place without government regulation or interference.

Let's review that again: Competition in the American software industry is not only healthy but vigorous. America leads the world. Innovation is at an all-time high. Employment is flourishing. Prices continue to fall for consumers and businesses alike. Productivity is skyrocketing. And barriers to entry for any company or individual that wants to compete in this industry are low.

The principal assets required to create software are human intelligence, creativity and a willingness to assume entrepreneurial risk. All of the hallmarks of a thriving, healthy industry are in place in America's software industry.

Let's return now to this question—what is the basic goal of antitrust law in America?

I believe that the basic goal of our anti-trust laws is to promote competition, thereby insuring that consumers benefit from the widespread availability of goods and services at fair prices. Often competition is vigorous, but the fact that certain companies perform better than others is no reason to doubt that consumers benefit greatly from their success. As many courts have recognized, all companies should strive to do as much business as they can, even if that means taking business away from rivals, because it is that quest that causes the creation of new and better products offered to consumers at attractive prices.

So, why are a handful of Microsoft's competitors so successful at scaring up government investigations, public policy debates and media scrutiny? One might argue that all of these incredible statistics that I've just reviewed are somehow skewed because Microsoft is really the only beneficiary. In other words, all of the benefits accrue to Microsoft. Well, that's just wrong. Once again, the facts tell another story:

The top 20 companies in the industry account for only 42% of the total revenues from packaged software sales—demonstrating that the software industry is highly competitive and decentralized.

Microsoft represents less than 4% of total worldwide software industry revenues. In 1996, total software industry revenues were $250 billion; Microsoft's portion was less than $10 billion. How can there be a "Microsoft Monopoly" if Microsoft accounts for less than 4% of industry revenues? If such a monopoly existed, shouldn't that percentage be more like 60%, 70%, 80% or higher?

But what about Microsoft's dominance in the PC software space? Well, a few more facts:

In online services, Microsoft represents only 9.8 percent of the online services sector. America Online has 75 percent.

Database software: Microsoft represents only 6 percent of the database software sector, compared to Oracle's 30 percent share.

E-mail software: Microsoft represents only 14 percent of e-mail software revenues, compared to 43 percent for IBM/Lotus.

Server operating systems: Microsoft represents only 27 percent of server software revenues, compared to 41 percent for Novell.

Again, where is the monopoly? Percentages of 9.8, 6, 14 and 27 hardly sound like monolopies to me.

So we're still left to ponder, why the fuss over Microsoft, given all of this good news? This is the question so many in the media are striving to answer. The New Republic recently attributed it to techno-angst—society's anxiety about the Information Age and its desire to focus that angst on someone or some company.

I think a more plausible answer is a coordinated PR and lobbying campaign by a handful of Microsoft's competitors. Two weeks ago, the author and management guru James Moore wrote in The New York Times:

> The courtroom drama played out in Washington in recent weeks concealed what was happening backstage: a small number of companies that compete with Microsoft have managed to make the Federal Government an unwitting tool of their narrow competitive objectives.
>
> These sorts of unholy alliances almost always lead to bad policy. If users are better served, if the cost of software is reduced and if new layers of information-industry innovation are built, a strong argument can be made that the public good is being achieved without Government intervention.

The public good is being achieved without Government intervention. This cannot be overemphasized. The Progress and Freedom Foundation has played an important role in developing intelligent public policy with an eye toward limiting the role of government in markets. In 1995, PFF published a major study on the need to replace the FCC and substantially deregulate the telecommunications marketplace. Today, PFF is conducting a major project designed to limit government interference in the market for digital broadband networks. I applaud PFF's efforts on behalf of the free market in those industries, and am somewhat mystified by the organization's apparent inconsistency with regard to

Microsoft and the software industry. Based on the organization's past, I simply want to encourage the Progress and Freedom Foundation to remain steadfast in its belief in the American marketplace.

Now, I'd like to turn for a moment to addressing some of what I will call the myths out there about Microsoft. I think it's important that we deal with some of the less scholarly thinking and ideas up front.

Myth #1: Microsoft is somehow going to control access and commerce on the Internet.

I was amused to see a press release earlier this week from the New York Attorney General's Office making this claim. It's almost as though the PR campaign being championed by several Microsoft competitors who have decided these buzzwords have the most media appeal. Anyone who goes out onto the Internet to find the world of knowledge and information available there knows that no one will ever control access and commerce on the Internet. Such a thought is as laughable as suggesting one company will control all commerce and information in the world. The Internet is a vast information source that will continue to grow and expand. No company will ever represent more than a tiny fraction of all the commerce and all the content available on the Internet.

Myth #2: Some companies are afraid to come forward with complaints about Microsoft because they are afraid that Microsoft will use its dominance in the marketplace to punish them.

My colleague, the chairman of the Judiciary Committee, Senator HATCH, has made this charge himself in interviews with the news media. This is a serious accusation but one that is also baseless. Microsoft has gone so far as to give the Justice Department a letter that it can present to anyone and everyone doing business with the company encouraging them to cooperate with the DOJ on its investigation. Microsoft has been extremely cooperative for years with the DOJ. And it would be out of character for Microsoft—a company that values its partners—to make this an issue with them.

Myth #3: Microsoft's license agreements with Internet Service Providers unfairly force ISPs to promote only Internet Explorer, and prohibit ISPs from even mentioning the existence of Netscape Navigator.

Like PC manufacturers, ISPs know and understand their customers. They provide their customers with choice—whether it's Internet Explorer, Navigator or some other product. Microsoft has no exclusive arrangements with ISPs. This is a non-issue.

Myth #4: Microsoft is entering into proprietary agreements with Content Providers to create popular websites that can only be viewed using Microsoft's browser.

Let me be absolutely clear. A consumer can use any browser he or she wants to view any material on the Internet. A content provider may choose to take advantage of technology available in either Internet Explorer or Navigator to make their content even more compelling.

Content providers like Warner Brothers want to reach the most customers. They aren't looking for exclusionary technology. They are looking for the best technology to serve their customers. Right now Warner Brothers believes that Microsoft has the best technology. There are other content providers that believe Netscape has the best technology. That's what competition is all about. This is similar to saying that manufacturers of VHS videocassette players entered into proprietary deals with Hollywood studios to force their movies on VHS tapes rather than Beta tapes. Just as VHS and Beta were competing standards, so too are Internet Explorer and Netscape Navigator. May the best technology win.

Myth #5: The Justice Department is working to restore choice for consumers.

This is disingenuous at best. Consumers have always had choice. Netscape and thousands of other software programs run wonderfully on Microsoft Windows. In fact, the great untold story is how Microsoft spends more than $65 million and 1,000 Microsoft employees to work with its competitors to build great software applications that run on Windows.

It's important to understand these myths. Sound public policy must be based in fact, not competitive rhetoric.

These are exciting times for American consumers and for American business. Microsoft's business model, which is focused on rapid product development, broad distribution at low prices and close collaboration with hardware and software vendors, is helping to drive demand through the high technology sector. We are seeing upgrades to telecommunications networks—telephone, cable, satellite and wireless—the introduction of new types of devices such as hand held computers and automobile PCS—and the creation of innovative new software to make these networks and devices improve the lives of all consumers.

New technologies and new ideas are being introduced at a dizzying pace—led largely by innovative and highly competitive American companies.

I've spoken today about the American consumer and the American software industry. I'd like to conclude by talking a little about Microsoft. You can hardly talk about innovation and competition without focusing on Microsoft. It's founder, Bill Gates, is one of the true visionaries of the Information Age and his company has produced technology that will forever change the way we work, play and think.

I have enjoyed watching this phenomenal man and his company for many years. And over those years, I have seen Microsoft remain committed to four very important business principles that have guided the company since its founding:

1. Microsoft builds software that improves the quality of people's lives. Bill Gates' vision of Information at Your Fingertips brings businesses closer to their customers, voters closer to their elected officials, doctors closer to their patients and teachers closer to their students.

2. Microsoft listens closely to its customers and focuses on how it can do a better job. If you want to know the true secret to Microsoft's success, look at its intense focus on incorporating customer feedback into its products.

3. Microsoft believes that innovation is at the heart of its future. Microsoft will spend more than $2 billion this year on research and development. More than 16 percent of its revenues are dedicated to R&D. Its competitors, Sun and Oracle will spend about 8 percent of revenues on R&D.

4. Microsoft partners with many companies, large and small, who share these principles. Microsoft's thousands of partners are in every state in America—independent software vendors who build great software products for the Windows operating system, PC manufacturers, solution providers who support and implement Microsoft technology solutions and many other partners.

In conclusion, I believe that a review of the facts shows that the American software industry is healthy, vigorous, innovative and continually improving the lives of American consumers. Microsoft is one of many aggressive and innovative companies in this industry. Its leadership is an asset for the nation. Its leadership is also not guaranteed. In any dynamic, innovative industry such as software, your position in the market is only as strong as your last product release. The competitive threats to Microsoft are real.

As PFF, the participants at its conference, and many of my colleagues know all too well, it is the marketplace, not government regulation that will ensure continued innovation and consumer benefits.

Mr. HATCH. Mr. President, I ask unanimous consent that an address I gave to the Progress and Freedom Foundation be printed in the RECORD.

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

ADDRESS OF SEN. ORRIN G. HATCH BEFORE THE PROGRESS AND FREEDOM FOUNDATION FEBRUARY 5, 1998

ANTITRUST IN THE DIGITAL AGE

Good morning. It is a true pleasure to be with you this morning and to be included in such a distinguished group of leading economic and antitrust thinkers. I know that,

given the early hour, some of you no doubt are looking for some eye-opening comments. Well, I hate to disappoint, but, let's not kid ourselves folks, this is antitrust we're talking about, so I hope you've had your coffee.

Seriously, though, I would like to applaud the Progress and Freedom Foundation for convening this symposium, as well as those who have focused their intellectual energies on the topics to be discussed today.

It is, I believe, no overstatement to say that the so-called Digital Revolution is one of the most important economic developments of our age, one which promises to fundamentally change our economy, our business, and our daily lives.

Just when I have finally mastered how to set the clock on my VCR, I discover that it won't be long before I'll be watching movies off the Internet, not my VCR. Now I'm really beginning to understand that "virtual reality" means something more than simply getting up in the morning.

These rapid changes present numerous challenges to policymakers who are seeking to understand what, if any, role the government should play both in the transition to our new digital economy and in the new economy itself. These changes present challenges to policymakers who are seeking to ensure that, where there truly is a productive role for government, this role is both limited and effective.

While of course the Digital Revolution impacts numerous policy areas, I believe that, ranking high among those is the task of understanding the proper role of antitrust in high-technology markets. I promise to keep my comments brief this morning, but thought I would spend a few minutes discussing why I believe it is important for antitrust policymakers, law enforcers, and intellectuals to engage in a serious examination of market power and structure, and the proper role for antitrust enforcement, in the Digital Age.

Make no mistake about it—these are difficult issues. Anyone who suggests that the answers are easy cannot be taking the issues very seriously. But anyone who suggests that these are not serious policy issues, worthy of debate and study, has, for one reason or another, chosen to ignore reality.

But, the difficulty of the questions should not deter us from seeking answers. And, especially given the breathtaking pace by which technology is advancing, it is imperative that we search all the more diligently and assertively.

I. ANTITRUST AND FREE MARKETS

While there has always been, and probably will always be, considerable debate about the proper role of antitrust enforcement, it is important to note here something that just about everybody agrees with: some degree of antitrust enforcement is important to protecting our free market system and the consumers that system is meant to benefit.

Thus, most who, like myself, trumpet the free enterprise system, also recognize that proper antitrust enforcement plays an important role in protecting free markets. Let me repeat that. Proper antitrust enforcement plays an important role in protecting free markets.

From Adam Smith to Robert Bork, free market, free-enterprise proponents have long recognized as much. So let me debunk the myth that economic conservatives do not believe in antitrust. To the contrary, we believe strongly in antitrust—so long as the role of antitrust is understood properly and not overextended.

Properly conceived, the role of our antitrust laws is to maximize consumer welfare—allowing the marketplace to work its will so that the products consumers want can be produced in an efficient fashion and offered at competitive prices. The basic premise is that antitrust protects "competition" in the marketplace, and that a competitive marketplace enhances consumer welfare. In a properly functioning competitive market, consumer choice dictates which products will be produced and sold, and competition among firms determines who will make them and at what price. Consumer welfare is maximized, and society's "pie" is larger.

At the same time, though, our society and our antitrust laws recognize that markets will not always operate freely and achieve their objective of maximizing consumer welfare. The reality is that, in some circumstances, private market power can distort the workings of the marketplace and, as a consequence, can hurt consumer welfare by raising prices, restricting consumer choice, or stifling innovation. This is where antitrust steps in.

As Judge Bork has written, proper antitrust enforcement actually "increase[s] collective wealth by requiring that any lawful products . . . be produced and sold under conditions most favorable to consumers. . . . The law's mission is to preserve, improve, and reinforce the powerful economic mechanisms that compel businesses to respond to consumers." That's an important point—preserving "economic mechanisms that compel businesses to respond to consumers." [*The Antitrust Paradox* at 91 (1993).]

The $64,000 question, though—or, perhaps in today's context I should say the $300 billion question—lies in defining what actually injures consumer welfare, calling for antitrust enforcement. For it is not enough to say that any reduction in the amount of rivalry in a particular industry reduces competition, injures consumers, and should be stopped by antitrust laws. The very nature of competition and capitalism is for firms to beat each other in the marketplace. While this process—competition—certainly benefits consumers, its natural outcome is that the firms who succeed do so at the expense of other firms. [*See id.* at 49.]

Antitrust law certainly cannot be about punishing winners or protecting losers. The goal is not simply to identify practices that reduce competition or rivalry. Rather, it is to identify when the exercise of market power impedes markets from operating freely and, as a consequence, hurts consumers.

Where such situations can be identified, antitrust has the additional burden of identifying effective remedies that actually benefit consumers and are not more costly than the so-called anticompetitive practices identified in the first place. This sounds pretty simple, but it is not, especially when you are dealing with highly complex, fast-moving marketplaces such as high technology.

But it is my hope that those participating in this symposium today will help those of us in policymaking or enforcement positions arrive at the right answers. For getting the answers right is, I would argue, more important now than ever, especially with respect to these markets which will be the key to our economy for years to come.

II. THE IMPORTANCE OF ANTITRUST TO THE DIGITAL REVOLUTION

The stakes are high, because ill advised antitrust policy, whether it is overly aggressive or overly timid, could have drastic consequences for the future of our economy. I would like to spend the rest of my time this morning explaining why I think understanding and implementing appropriate antitrust policy for the digital marketplace is a singularly important policy issue.

1. *First* is the very simple fact that high technology represents the most important sector of our economy. High technology is the single largest industry in the United States, leading all other sectors in terms of sales, employment, exports, and research and development. [American Electronics Association. "Cybernation," 1997.]

Perhaps more importantly, high technology is the key to the development of our future economy. Not only will technology continue to be one of the driving forces behind our economy's growth, but it also will drive the development of the Internet, the "Information Highway," which, by all accounts, will fundamentally alter the way we do business.

Even Congress, which has traditionally been an institution of Luddites, is getting into the swing of things. Communication and accountability to our constituents is much improved by web sites and e-mail. Although, come to think of it . . . we may want to rethink this e-mail thing. Now we get feedback instantly—not even a grace period.

The future direction of the Internet will be shaped in no small part by events occurring in today's marketplace. A handful of developments in today's marketplace could, I believe, have tremendous impact on the Internet, electronic commerce, and information technology as a whole, for years to come.

2. Which brings me to my second, somewhat related reason for suggesting that antitrust enforcement in high technology is a vitally important policy issue. We are currently in the midst of important structural shifts in the computing world.

Given the unique nature of high technology markets, it is with respect to precisely such technological paradigm shifts that healthy competition and effective antitrust policy is most important. Allow me a moment to elaborate on this point, which I believe is a fundamental and important one.

As many economists and capitalists alike have come to recognize—including, I might note, many of today's participants, and software industry leaders such as Bill Gates—the economic dynamics in so-called "network" markets such as the software industry often allow individual firms to garner unusually large market shares in particular segments.

Most who have studied such markets closely, agree that the cyclical effects of network effects or increasing returns can translate early market leads into rather large market dominance, if not de facto monopolies, as well as a significant degree of installed base lock-in. This in itself is not anti-competitive when it results from proper market behavior.

While lock-in effects and single firm dominance of particular sectors certainly render a market less than competitive, and consequently has costs in terms of consumer welfare, it also produces an important positive effect.

When one firm dominates the market for a product which serves as a platform—a product to which other software developers will write their programs—that firm creates a de facto standard, a uniform platform. Software developers thus are not faced with the cost, in terms of time and resources, to develop applications that run across a variety of platforms. This can lead to significant boosts in productivity and innovation.

Indeed, this is precisely what we have seen with respect to Microsoft's successful establishment of the Windows monopoly, which, by creating a uniform platform for software

developers, has had a tremendous effect in the recent boom in software applications and the software industry generally. Even those who are concerned about Microsoft's exercise of its vast market power must enter this efficiency gain in the "plus" column of their consumer welfare calculation. The fact of the matter is that Microsoft and the success of Windows has been an important ingredient in the innovation and wealth creation our software industry has produced over the past decade or so.

So, if a single firm's domination of a particular sector at a particular point in time might be the result of perfectly rational market behavior, and indeed may have some economic benefits, where do we go from here? Does this mean that antitrust is useless, irrelevant, or even counterproductive in high technology markets? To some extent, perhaps. On balance, the antitrust machinery in Washington, D.C. probably shouldn't concern itself with every technology market which, at a particular point in time, is dominated by a particular firm to an unusual, even unhealthy extent.

Where antitrust policy should focus, I would propose (with a large footnote to the Judiciary Committee testimony of Professor Joseph Farrell, and other economists who have studied these markets), is on the transition from one technology to the next—on so-called paradigm or structural shifts in computing.

While it may be likely and even, to a degree, useful, to have a particular firm dominate a particular segment at any point in time, it is dangerous, unhealthy, and harmful to innovation and consumer welfare where that firm can exploit its existing monopoly to prevent new competitors with innovative, paradigm shifting technologies, from ever having a fair shot at winning and becoming the new market leader or de facto standard.

This is especially the case where a single firm exercises predatory market power to prevent healthy competition over a series of structural computing shifts. Where this is so, one would imagine that investors and innovators would find other things to do with their time and money than to try to compete with the entrenched firm to establish an important new technology. Innovation is chilled, and the consumer suffers.

The critical question, then, is how a dominant or monopoly firm exercises its market power, even if fairly and naturally obtained, with respect to the new guy that comes down the pike offering an innovative, potentially paradigm shifting technology. Does this new firm, offering a new technology that may compete with, replace or otherwise threaten the old firm's entrenched monopoly, have a legitimate opportunity to compete in the marketplace?

To borrow a phrase recently attributed to Professor Carl Shapiro, do innovative start-ups get a "market test," or are they "killed in the crib before they get a chance to become a core threat?" [Steve Lohr with John Markoff, "Why Microsoft is Taking a Hard Line with the Government?" The New York Times, January 12, 1998 at D1.]

In high-technology markets displaying a high degree of single-firm dominance, this is perhaps the most important question for antitrust policymakers and enforcers:

To what extent are innovators who offer potentially fundamental changes to the nature of computing given a fair "market test," and just what practices by the entrenched firm should be considered anticompetitive or predatory efforts to foreclose the opportunity for such a genuine market test?

I believe this is precisely the question—or one of the questions—presented by Microsoft today and is one of the reasons why Microsoft in particular inescapably invites scrutiny in the course of assessing competition policy in this digital age.

Of course, while antitrust policy in the Digital Age encompasses more than scrutiny of a particular firm, the fact remains that Microsoft in particular does raise a handful of questions, given its dominance of the desktop, together with its admitted effort to coopt important paradigm shifts and, in the process, extend its dominance to a number of new markets.

The Internet generally and, more specifically, the potential promise of browser software, and object-oriented, "write once, run anywhere" software, represent important and possibly critical developments for the computer industry. Both the possibility of a new, browser-based platform and interface, and the possibility of a programming language that is genuinely platform independent, able to interoperate with any type of operating system, could fundamentally change the nature of computing.

Among other things, both of these developments, likely representing the next generation in computing, introduced a serious threat to Microsoft's desktop dominance. As we all now know, Microsoft has clearly come to recognize as much.

Thus, with respect to both the so-called "browser wars" and the battle between Java (Sun's essentially open programming language) and ActiveX (Microsoft's proprietary alternative to Java), we see Microsoft in a fever pitched battle to control two potentially fundamental technological developments and to prevent new technologies, developed by other firms, from undercutting the current desktop monopoly Windows enjoys.

I am confident that nobody from Microsoft would dispute this assertion. Nor should they. Microsoft has all the right in the world not to be asleep at the switch and allow a fundamental, structural technology shift from undermining its current dominance of the software market. Its shareholders no doubt would demand as much.

At the same time, this is precisely where the practices of a currently dominant firm, such as Microsoft, must be scrutinized, and where the appropriate rules of the road must be clarified and enforced. Tying arrangements, free product offerings, licensing or marketing practices that are effectively exclusionary—these and other practices may be entirely appropriate in most instances.

But the question that, in my view, must be addressed is whether such practices, when engaged in by an entrenched monopolist with respect to paradigm shifting innovations, have the predatory effect of foreclosing innovators from getting a fair market test. Where they do, I would suggest that we have a significant market imperfection which impedes innovation, and in the process hurts both the industry and the consumer.

The questions that I believe law enforcers and policymakers must address are first, how to identify when particular practices have such an effect; and, second, whether our current antitrust regime adequately guides industry as well as the courts and the enforcers to reach the right answer in a timely fashion. These are some of the questions I plan to give close scrutiny in the coming months, and which I hope to learn more about from today's presenters and panelists.

Answering these questions, and coming up with the proper policy and/or enforcement solutions, is more important now than ever. The market battles being waged today are likely to have significant consequences for the Digital Age tomorrow.

3. Which brings me to my third and final reason why I believe sound antitrust policy is so critically important to the Digital Age: because it could prove critical to the growth of a free and open Internet.

Interfaces. In the proper hands, software interfaces are everything. To oversimplify somewhat grossly, software interfaces refer to certain critical external links or hooks in a software program that permit other programs to communicate, and therefore interoperate, with the first program. Because interfaces are the key to interoperability, and interoperability is the key to software markets, relentlessly aggressive, savvy companies with vast resources can be quite successful at translating the control of a critical interface into control of the markets on either side of the interface.

And the ultimate interfaces are the interfaces to Internet access and content.

Microsoft has made no secret of the fact that it has made dominating the Internet space a corporate priority. And I credit them for it. Any genuine free-marketeer, any genuine capitalist, must admire the efforts the company has recently taken to go after what Microsoft itself has called the huge "pot of gold" the Internet represents.

Like many, I cannot help but admire and applaud Microsoft's drive to pursue this vision. Whether it be a no-holds barred approach to competing with alternative browser vendors, seeking to control Web software programming and tools markets with proprietary products, buying the intellectual property of WebTV, making large investments in the cable industry while vying to control the operating systems of cable set-top boxes, linking Internet content to the Windows desktop, or any other of a handful of aggressive steps to control the groundwells, plumbing and spigots of the Internet, one can hardly question Microsoft's ambition to dominate the Internet space, or their business savvy in getting there.

Just how much control over the Internet Microsoft will exercise is anyone's guess, and I certainly do not pretend that I know the answer. But many certainly do believe that this is what Microsoft is out to achieve, in effect a proprietary Internet, and that the answer lies in the outcome of market battles which are being waged right now. For controlling the key Internet interfaces is a critical step to controlling much of the Internet itself.

This, then, is my third reason for why properly calibrated, vigilant antitrust enforcement is all the more imperative today. In the end, the marketplace should be permitted to choose whether it wants a proprietary Internet. I think I know what the answer would be. But I can assure you that, if one company does exert such proprietary control over the Internet, and the Internet does in fact become a critical underlying medium for commerce and the dissemination of news and information, rest assured that we will be hearing calls from all corners for the heavy hand of government regulation—for a new "Internet Commerce Commission."

It seems far better to have antitrust enforcement today than heavy-handed regulation of the Internet tomorrow.

So, let me suggest to those of you who abhor the regulatory state that you give this some thought. Vigilant and effective antitrust enforcement today is far preferable

than the heavy hand of government regulation of the Internet tomorrow.

III. CONCLUSION

In closing, I would like to come back to what I said at the outset. These are difficult, but very important, policy issues. Because of what is at stake, effective and appropriate antitrust policy is critical to our digital future. Antitrust policy that errs on either side—be it too aggressive or too meek, could have serious consequences. But because of the uniqueness, and the complexity of high technology markets, discerning the proper role for antitrust requires some fairly hard-headed analysis.

Those who dismissively say that technology is complicated stuff that changes like quicksand are in a sense correct. But, is the answer, as has been suggested by some politicians and other new-found friends of Microsoft here in Washington, simply to throw up our hands and move on to other, easier, and less sensitive issues? Hardly.

Rather, let me suggest that the answer is to make sure that the rules of the road are the right ones, and that the referees do a good job enforcing them, when and where it is appropriate. Antitrust policymakers and enforcers should not shirk their duties just because the task is a hard one.

I have a great degree of confidence that the current head of the Antitrust Department is up to the task, and, as Chairman of the Committee with antitrust and intellectual property jurisdiction, I plan to do what I can to ensure that the rules are being applied both fairly and effectively. We in Congress not only can, but in my view must, ask the questions and help ensure the right answers.

Toward this end, I would like again to thank the Progress and Freedom Foundation, and those who have dedicated the time and intellectual effort to these difficult questions, for taking a very productive step in this process of understanding and implementing a sound, effective role for antitrust policy in the Digital Age. I expect that we all will learn a great deal from what I trust will be a vibrant and energetic discourse throughout the remainder of the day.

Mr. GORTON. Mr. President, I want particularly to thank my friend from Nevada for agreeing to let me proceed.

The PRESIDING OFFICER. Under a unanimous consent request, the Senator from Nevada is recognized for up to 15 minutes.

Mr. REID. I say to my friend from Washington, it was a pleasure to yield that time and to listen to his statement, which was typically much like the Senator from Washington; it was very thorough and educational for me.

Mr. President, I ask unanimous consent that following my statement, the Senator from California be recognized for 10 minutes.

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

NEED FOR THE HIGHWAY BILL NOW

Mr. REID. Mr. President, the State of Nevada is a large State, one of the largest in the Union, 74 million acres. Nevada is also the most mountainous State in the Union except for Alaska. We have 314 separate mountain ranges. We have 32 mountains over 11,000 feet high. We also have vast extremes in weather. In the southern part of the State it is not unusual for places such as Laughlin, NV, in the southern tip of the State to reach temperatures of 120 degrees. In the northern part of the State we at times have the coldest place in the Nation, temperatures far below zero that remain for days at a time.

The State of Nevada is also the fastest growing State in the Nation; we also have the fastest growing city and the fastest growing county: the city of Las Vegas city and Clark County. Every month, 7,800 new residents move into Clark County. So we have an unusual State.

The reason I lay this on the RECORD today is that the State of Nevada desperately needs a highway bill. We desperately need a surface transportation bill brought before this body and debated and resolved. The ISTEA legislation, as we call it, was a good piece of legislation when it passed in 1991. I was fortunate to be on the subcommittee that drafted that legislation. I was fortunate to be able to work on that committee with the chairman of the committee, Senator MOYNIHAN, and the ranking member, now the chairman of the committee, Senator CHAFEE.

We did some unique things with that ISTEA legislation. We allowed more spending but more of that spending power went to the individual States. That was the main goal of the ISTEA legislation that passed in 1991: turning more spending power and authority over to the States and localities while maintaining a strong national transportation system. And during the 6 years this legislation has been in effect it has worked well.

We have made progress in returning more authority to local jurisdictions. I believe, when we are able to take up the bill that came out of the committee, the bill which is now before this body, we will continue along the same lines.

I rise today to say that I think we are breaking faith with the American people by not having this legislation in the Chamber today. I have outlined the problems we have in the State of Nevada. Because of the mountains we have around the State, because of the extremes we have in weather around the State of Nevada, we badly need these highway funds. All of this is compounded by the tremendous growth we are having in the State of Nevada.

The President came to Lake Tahoe last summer with the Vice President and five Cabinet officers. A commitment was made by the States of California and Nevada to do something about Lake Tahoe because it is being degraded environmentally. Everyone agrees—Republicans, Democrats, conservatives, liberals, environmentalists, nonenvironmentalists—that the lake needs to be saved, and a commitment was made at that time to save that lake. Part of the salvation of the lake comes in the form of transportation improvements in the ISTEA bill that should be before this body.

Mr. President, the money that we are talking about spending is not new tax dollars. We are not spending money that does not exist. Every time an individual goes to a service station to buy gas, they put gas in their car and automatically, because of legislation that has been passed here, the money that comes from that purchase goes into a trust fund. That money is set aside for highway construction and surface transportation. And so we are not here today demanding that we spend new taxes for these roads that are badly needed in Nevada and around the country. What we are saying is let's spend the money that is in the trust fund. That is all we are asking. Let's spend the money. There has been a commitment made that those moneys that have been collected should be spent on our surface transportation. The first step is to get the highway bill done (and the sooner the better).

Mr. President, when I practiced law, we would set up trust funds for our clients, and it could be as a result of a contract that you were dealing with for your client, trying to resolve contractual differences; it could be for the sale of a piece of real estate; it could be for a personal injury case. This money was put into a trust fund for the client. If in fact we used those trust fund moneys for anything else, to pay rent, to purchase a car, or to do something that wasn't in keeping with our client's wishes, we could be disbarred and in fact criminally prosecuted.

I cannot imagine that we are using these trust fund moneys for these highways for some other purpose. If we did that in the private sector, we would be subject, if we were a lawyer, to disbarment; if you were not a lawyer, maybe to criminal prosecution and, in fact, if you were a lawyer to criminal prosecution.

So these highway trust fund moneys should be spent for the purpose for which they were collected and no other purpose. Not for offsetting the deficit, not for a fancy new spending program in some other place. This money should be used for surface transportation. I cannot understand why we are not bringing this bill before this body immediately.

When Congress was unable last year to complete its work on the long-term reauthorization program, I was a strong proponent of the notion that we needed to pass a short-term extension. The Presiding Officer at this moment serves on the Environment and Public Works Committee with this Senator. He, too, helped move the bill out of the committee, and we agreed that there should be a short-term extension to ensure continuity in State programs and

to live up to our obligation to the American people to provide a world-class—in fact, the best—transportation system.

That is what these trust fund moneys are all about. I supported this short-term approach as a last resort. But I was under the assumption that leadership here would allow us to move the surface transportation bill to the floor so that we could begin working on it as soon as we returned from the recess. This has to happen. It was supposed to be one of the first things we brought up when we got back here.

The surface transportation bill made the States partners with the Federal Government. With this highway bill, we had more of a partnership than we had ever had before. The partnership was to build a stronger transportation system and to maintain a stronger transportation system. We are leaving the departments of transportation in all States in the lurch by putting off work for months now. This is no way to treat a partner. If we are truly partners with the States, their departments of transportation, then certainly we should be moving this legislation.

State transportation programs are continuing for the moment, but let's not kid ourselves. These programs are dying. They are on life support, but they are dying. We designed the short-term extension in a way that we would, in effect, force ourselves to work on this legislation after we came back after the first of the year. We are not following through on that. Our goal was to allow the States to spend unallocated balances for a couple of months to prevent a lapse in the programs. We didn't build an extra quarter or 6 months into that idle time.

I congratulate and I applaud Senator BYRD, the ranking member of the Appropriations Committee, who has been on this floor and steadfastly and continually and very effectively has brought to the attention of this body and the people of this country the need that we move to (and pass) the surface transportation bill. The closer we get to the election the harder it is going to be to do the right thing in regard to this legislation. If we wait until April, April is going to become July, and then July will become October. We should do this now. We should move this bill as quickly as possible.

There are some States, including the State of Nevada, where we are limited in terms of the amount of funds we can allocate because of bid-letting procedures. There are only certain times that we can let these contracts—sometimes because of weather in parts of the State of Nevada. As I have already described, because of the weather extremes, you cannot do work all year round in the State of Nevada. So we need to let these bids take place. As I have indicated, there are many parts of Nevada, in the high Sierras and other parts of the State of Nevada, where the construction season is extremely short. Delays in reauthorization are going to lead to delays in roadbuilding and maintenance soon. A delay of several months can easily lead to a delay of a year or more in the colder climates of our State.

This applies all over the country. Nevada is currently the fastest growing State in the Nation. As I indicated, about 8,000 people moved to Clark County last month—that's the Las Vegas area. In order to address our long-term growth-related infrastructure needs, we need a 6-year bill; not a 3-month bill, not a 6-month bill. Six-month bills do not allow us to adequately plan for the future. It is unfair of this body, this Congress, to arbitrarily wreck the planning processes of 50 States and tens of thousands of highway construction workers and contractors whose livelihood depends on the timely and consistent flow of these highway funds. We must move forward. To not do so is simply unfair. It is unfair for the Congress of this country to hold up the gas taxes that the people pay every time they fill up their tanks at a service station while we continue collecting these huge sums of money every day to go into this trust fund. We are not being fair to the American public by not spending these trust funds.

We spend a lot of time in this body talking about States rights. Let's demonstrate our commitment to States by passing this highway bill. It is important we do it. It is important we do it tomorrow, not next month or the month after that. Let's get to work on reauthorization today.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. KENNEDY. Will the Senator yield for a unanimous consent request?

Mrs. FEINSTEIN. I will.

PRIVILEGE OF THE FLOOR—S. 1601

Mr. KENNEDY. Mr. President, I ask unanimous consent that two fellows in my office, Ellen Gadbois and Diane Robertson, be granted the privilege of the floor during Senate consideration of the cloning legislation.

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

Mr. BYRD. Will the distinguished Senator yield for a question?

Mrs. FEINSTEIN. Yes, I certainly will.

Mr. BYRD. Will the Senator object to my asking consent that I be recognized, after the distinguished Senator from California speaks, for not to exceed 20 minutes?

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I thank the distinguished Senator and I thank the Chair.

Mrs. FEINSTEIN. Mr. President, I rise to speak in morning business. I understand I have 10 minutes by the unanimous consent agreement of Senator REID.

The PRESIDING OFFICER. That is correct.

DROP IN COCAINE SEIZURES ON THE SOUTHWEST BORDER

Mrs. FEINSTEIN. Mr. President, Congress has increased the priority of the war on drugs in recent years. We've allocated nearly $300 million in additional funds to the U.S. Customs Service since 1996.

And I think all of us know that the Southwest Border is still, without question, ground zero in U.S. drug interdiction efforts, with more than 70% of the cocaine and other narcotics entering this country across the 2,000 mile stretch of border between our country and Mexico.

To meet this threat Congress authorized more than $100 million over the last two years to add 650 inspectors and employ state of the art technologies along the Southwest border. The President's budget in fiscal year 1999 calls for an additional $104 million for Southwest Border narcotics efforts.

So you can imagine my surprise when I opened yesterday's edition of the Los Angeles Times to read the following:

> The amount of cocaine seized at the commercial ports of entry along the U.S./Mexico border plummeted 84% in 1997, forcing U.S. Customs Service officials to develop a new drug fighting strategy and leaving them concerned about a backlash in Congress.

Well, Mr. President there is a backlash from this United States Senator because for five and a half years now I have sounded a constant drumbeat on Treasury and on Customs to stop the mixed missions of the Customs Department and understand that there is a major problem with cocaine coming across the Southwest Border. Frankly an 84% drop in seizures last year indicates that all of the money and all of the personnel we have been pumping in has simply not done the job. 84% at the Southwest border, and cocaine seizures are down 15% across the nation.

If someone could tell me the reason for the drop is because, overall, there is less cocaine coming into the country—I'd say, congratulations, our efforts have been successful.

But that doesn't appear to be the case. Narcotics intelligence officials continue to warn that an estimated 5 to 7 tons of cocaine enters this country every single day of the year. We are just not getting it.

If someone could tell me that the drop along the Southwest Border is because our efforts have been so successful, that the drug smugglers are going elsewhere—I'd say bravo, the taxpayers' money has been well spent.

But, again, that does not appear to be the case. Customs officials are widely quoted in news reports saying the problem is that the drug traffickers continue to stay two steps ahead of our interdiction efforts. And in fact, that is the case.

Let me again quote from this article:

Customs officials received a warning in June 1997 that portions of the agency's enforcement strategy at the ports had been compromised. A June 20, 1997 memo from Assistant Commissioner Robert S. Trotter to all Southwest border port directors warned that "traffickers have developed detailed knowledge and profiles of our port operations".

More than once, Customs officials have come into my office to tell me that—not only is it not possible to increase inspection of trucks and cars entering our border, obviously because there are so many of them—it is not really necessary, because today we are applying sophisticated technology, including electronic technology, random searches, and Customs' vast intelligence operations and all of that combined is enough to do the job.

Four years ago I went and spent a day at the Otay Mesa port at the Southwest border. I observed, directly adjacent to our Customs facilities, "spotters" who are individuals standing out on the street with radios and cellular telephones. I then went up to a hill overlooking the Customs facility and I watched the spotters work. They get on their phones and they talk to the trucks waiting to cross the border and they direct the trucks as to which lines they should be in to get through the border.

I mentioned this at the highest levels of the Treasury, both verbally and in writing. I said that we must do something about the spotters. Four years later, the spotters are still there, they are still operational. I am told that there is no law under which we can do anything about it. Unfortunately, at no time has Customs come forward in this four year period with any recommendations for any laws to be passed to deter this activity which is almost certainly an illegal conspiracy to bring cocaine into this country across the Southwest border.

The "random" searches that I have heard so much about are supposed to keep traffickers trembling in their bigrigs. But they have become so predictable that, by Customs' own admission, "traffickers know what cargo, conveyances, or passengers we inspect, how many of those conveyances are checked on an average day, what lanes we work harder, and what lanes are more accessible for smuggling."

Now, Mr. President, I am not insensitive to how difficult this task is, and I want to commend the extremely hard working men and women of the United States Customs Service. I know many of them personally. I know they work hard. I know they try to do their job. They put on those uniforms every day, they inhale all of these exhaust fumes, and they try to keep up with what has been a massive increase in traffic coming across the border.

But, Mr. President, I do not like to be told how effective our intelligence is, and how sophisticated our technology is, and how tough our enforcement efforts are—and then read reports in the newspaper from Customs' officials about how easily the traffickers are walking all over us.

I do appreciate the candor from Acting Commissioner Sam Banks on the weaknesses in our efforts. And I understand that Customs is moving very rapidly to counter this 84% drop in seizures with a new operation entitled "Operation Brass Ring". They clearly know that what they are doing is insufficient.

For some time, I have believed that the mixed mission given by the Administration to the United States Customs Service creates a situation whereby the law enforcement functions of the United States Customs Service cannot be carried out properly.

You cannot run an agency with a mixed mission, especially a mission that has the kind of a diametrically different goals that Customs faces. Move the trucks by the millions, just do random searches, depend only on technology, and avoid statistics like the one that just appeared in the Los Angeles Times with an 84% drop in seizures in cocaine coming across the Southwest border.

I have urged the Administration to appoint a law enforcement person as the new Commissioner of Customs. I am heartened to understand that the Administration has just signed off on the appointment of Ray Kelly as the new Commissioner of the U.S. Customs Service.

I have worked with Mr. Kelly over the past few years as he has been the Secretary for Enforcement in the Treasury Department. I believe he is a straight shooter. He is a law enforcement person. He has an exemplary background. I hope that he will be able to redirect the Customs Service to understand that they do have a law enforcement mission. And, in fact, that that mission is to deter contraband from coming across the border of the United States.

We also know, Mr. President, that guns in large supply are moving from this country down to Mexico. These guns are used for two purposes. One is to give them to the cartels for their use and the second is for revolutionary insurrection against the government of Mexico.

I believe that the work of the United States Customs is really cut out for them. In the best of all worlds, trade will continue to increase across the Southwest Border, providing jobs and income for those on both sides of the border.

But if we are serious about the drug threat—as we say we are—we must demand that the law enforcement functions of deterring contraband be made the highest mission of the United States Customs Service.

Mr. President, I ask unanimous consent that an article entitled "Drop in Drug Seizures Worries U.S. Customs" be printed in the RECORD.

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

[From the Los Angeles Times, Feb. 4, 1998]

DROP IN DRUG SEIZURES WORRIES U.S. CUSTOMS

(By H.G. Reza)

SAN DIEGO—The amount of cocaine seized at the commercial ports of entry along the U.S.-Mexico border plummeted 84% in 1997, forcing U.S. Customs Service officials to develop a new drug-fighting strategy and leaving them concerned about a backlash in Congress.

Bill Heffelsinger, assistant to acting customs Commissioner Samuel H. Banks, said Tuesday that inspectors working at the high-risk commercial ports on the Southwest border confiscated 2,383 pounds of cocaine last year, compared to 15,114 pounds in 1996.

Nationwide, the quantity of cocaine seized by the agency dropped 15% last year to 159,475 pounds, compared to 187,947 pounds in 1996, Heffelsinger added. The total number of seizures by customs agents and inspectors of all kinds of drugs was a record 26,240 nationwide last year, authorities said.

Acting Commissioner Banks, in an interview Tuesday, said the drop in cocaine seizures is worrisome. "You look at those numbers and you want to be your own worst critic," Banks said. "You're going to be asked questions on [Capitol] Hill, and we have to provide answers [for how to stop the flow of drugs]."

Rep. Ron Packard (R–Oceanside) said Tuesday he was disappointed by customs' failure to seize more cocaine at the commercial ports.

"Congress has directed almost every possible resource toward drug interdiction efforts, including more agents, better technology and several hundred million dollars in additional funding," said Packard. "These are not the results we expected. If interdiction is down, the American people deserve some answers."

Customs officials hope to find answers through Operation Brass Ring, a new nationwide drug interdiction strategy launched by the agency this week. Officials said the operation is part of a broader five-year program by the Office of National Drug Control Policy to reduce by 50% the amount of illegal drugs entering the country and, according to a news release, "was designed almost entirely in the field by . . . inspectors, investigators and union representatives."

Memos obtained by The Times show that the new strategy comes at a time of concern among customs union officials over possible political repercussions resulting from the drop in the amount of cocaine caught at the commercial ports.

A Nov. 28, 1997, National Treasury Employees Union memo noted that Congress had authorized $64 million in funding in 1997 for 657 new enforcement positions along the Southwest border as part of Operation Hard Line, the drug interdiction plan in effect at the time.

Hard Line was launched in 1995 after The Times reported that there had been virtually no cocaine seizures at the biggest commercial ports on the U.S.-Mexico border, where thousands of trucks cross daily.

The union memo predicted that "no doubt Congress will be highly upset with these [1997] figures . . . border drug interdiction is becoming a major political issue in Washington."

Another union memo on Dec. 22 said new "enforcement operations" were needed and urged inspectors to be flexible and imaginative in their approach to drug interdiction.

"The objective being to increase our seizures so customs and [the union] don't get their heads handed to them by the politicians in Washington when the budget meetings start in March," the memo said.

Robert Tobias, president of the employees union, said he would not apologize for the blunt talk in the memos.

"This was me doing my job as president to inform [members] what the stakes are," said Tobias. "There's nothing wrong with telling people that if you don't get off your duff you're in danger of losing your job. Brass Ring is a wake-up call to all of us involved in fighting drugs."

On Tuesday, Banks said he was pleased that the president's proposed customs operating budget for 1999, publicly announced Tuesday, was $1.8 billion, up from $1.7 billion in 1998. That budget must still be approved by Congress.

Banks said he was willing to publicly admit some of the agency's enforcement problems "so we can get the issue out there, even if it's critical to us."

"I'm willing to take it on the chin if necessary to get the message out, so we can focus on the drug problem," said Banks. "I want to get the message out to the American public so they can deal with it in the community and in schools."

Banks said Brass Ring will "dramatically increase drug seizures" at the 24 points of entry on the U.S.-Mexico border.

"The push for Brass Ring is to turn up the heat internally and get people focused. We're trying to get people focused. We're trying to put the heat on ourselves," Banks said.

A Nov. 28, 1997, report by the union said that "intelligence sources are reporting that 5 to 7 tons of illegal drugs are being smuggled from Mexico to the U.S. every day."

In the interview Tuesday, Banks said he does not dispute the union's figures.

Concern over the declining cocaine interdiction figures arose in September, when Banks reported in a memo to customs employees that he had met with Gen. Barry McCaffrey, head of the Office of National Drug Control Policy. The Sept. 18, 1997, memo said that "we were asked some tough questions about the effectiveness of our various operations, and we did not always have convincing answers."

Heffelsinger said the biggest problem in customs' interdiction plan had been its predictability.

In 1997, 3.5 million trucks and rail cars crossed into the United States from Mexico at the commercial ports along the border from Texas to California and about 30% were inspected for narcotics, customs officials said. An equal number of trucks and rail cars crossed in 1996, and 25% were inspected for drugs that year, they added.

However, "we aren't as unpredictable as we would like to be. The goal of Brass Ring is to get back to being unpredictable," Heffelsinger said.

Customs officials received a warning in June 1997 that portions of the agency's enforcement strategy at the ports had been compromised. A June 20, 1997, memo from Assistant Commissioner Robert S. Trotter to all Southwest border port directors warned that "traffickers have developed detailed knowledge and profiles of our port operations."

Trotter said that spotters, commonly used by drug rings to warn of enforcement activity at the ports, "have determined what cargo, conveyance or passengers we inspect, how many of those conveyances are checked on an average day, what lanes we work harder and what lanes are more accessible for smuggling."

Banks acknowledged that customs has still not learned how to defeat the spotters, who work in the open on the U.S. side at the gates to the commercial ports.

"There's no question that people are sitting at the ports, shepherding loads and acting as guides," said Banks. "We're trying to turn the tables on them and use them against themselves. Counter surveillance is part of [the Brass Ring strategy], but I can't say more."

Mrs. FEINSTEIN. I thank the President, and I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator's time has expired. Under a previous unanimous consent agreement, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair, and I, again, thank the distinguished senior Senator from California for her usual characteristic courtesy.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. BYRD. Mr. President, it is imperative that the Senate turn immediately to the consideration of the Intermodal Surface Transportation Efficiency Act of 1997. We now have less than 45 days remaining in which the Senate will be in session between today and May 1, 1998.

On May 1 of this year, our State highway departments throughout the land and our transit providers across the Nation will be forbidden by law from obligating any new Federal highway or transit funds. That is the drop-dead date. That is the deadline.

What will it mean to individual States when they no longer can move forward on a comprehensive highway construction program? What will it mean to your State? What will it mean to mine? What will it mean for our Nation's highway construction workers when they are thrown out of work, when that paycheck stops and when they have to struggle to put a meal on their family table?

What will it mean for our urban transit systems when they must cease progress on projects, projects that are needed to minimize congestion and to move our constituents to work, to schools, to places of worship, to child care centers, and back home?

It will mean disruption, deprivation, and, in cases where some construction projects need to go forward for the sake of safety, it will mean that accidents, injuries, and perhaps even death may be the result because of our delay—our inexcusable delay. There is no excuse for the delay.

On Monday of this week, the President sent his formal budget request for fiscal year 1999 to the Congress. That budget calls for the overall obligation ceiling for our Federal aid highway programs to be frozen. Now hear that! This is the President's budget, calling for the Federal aid highway program to be frozen for each of the next 6 years at the level enacted for FY 1998, namely, $21.5 billion.

The President ran for office the first time on a strong platform recommending more infrastructure in this country, more highways, safer bridges, but the President now is proposing an absolute freeze on highway spending for the next 5 years; never mind the tremendous unmet needs that exist across this Nation for bridge and highway construction, and for safety improvements; never mind a critical provision in the Taxpayer Relief Act of 1997, which is there by virtue of an amendment that was offered by my friend and colleague from Texas, Senator PHIL GRAMM; never mind that critical provision in the Taxpayer Relief Act of 1997, a bill that the President signed into law with much fanfare, and rightly so, last year.

That bill included a provision transferring the 4.3 cent gas tax—that had been used for deficit reduction since 1993—into the highway trust fund, so that it could not be used for other programs, instead of the highway program, but could be used to address these serious highway deficiencies. But even with this new source of revenue to the trust fund—roughly $7 billion per year—the President's budget now calls for the overall Federal obligation ceiling for highways to increase by how much? Not one copper cent! Not one penny; not one penny! Over the next 5 years, it is to be frozen.

Under the President's budget, the uncommitted balance of the highway trust fund will grow and grow and grow, like topsy. Based on estimates that I have received from the Congressional Budget Office, under the committee-reported bill, the unspent balance of the highway trust fund will grow from $25.7 billion at the end of this fiscal year to more than $71.8 billion at the close of the authorization period covered by the next ISTEA legislation.

At that time, therefore, there will be almost $72 billion that would just sit unspent in the highway trust fund; $72 billion paid by you out there, paid by you, the buyers of gasoline; $72 billion paid by our constituents—yours, I say to the distinguished Senator from California, and mine—paid by our constituents at the gas pump—money that will

be deposited into the highway trust fund but not used. Not used.

Under the President's budget, the trust fund balance would grow even larger, since his 5-year highway freeze is some $9.6 billion less than would even be authorized in the committee-reported bill which we debated on this Senate floor for about 21 days last fall.

I do not believe that a majority of this body supports the notion that highway spending should be frozen for the next 5 years, while the unspent balance in the highway trust fund rises by roughly 300 percent over the next 6 years. I am confident that a majority of this body does not support that idea.

I do believe, however, that it is incumbent for this Senate to take up the highway bill, to take it up immediately and to make it clear that we do not support the President's proposal for a 5-year freeze on highway spending.

Let the President hear that message, loud and clear. We do not support a 5-year freeze on highway spending, nor do the American people support that. I am confident they don't.

The financial needs of our national highway network vastly exceed our current levels of expenditure. If we freeze highway spending for the next 5 years, the gap between what will be needed just to maintain the present inadequate conditions of our Nation's highways, on the one hand, and what we will be able to spend, that gap is going to grow wider and wider and wider, and we will fall farther and farther behind.

Yet, Mr. President, the Department of Transportation has stated that our Nation would be required to spend an extra $15 billion each year above current spending levels just to maintain the current conditions of our Nation's highways. We would have to boost spending on highways by more than $15 billion a year to make the least bit of improvement overall in the condition of our Nation's highways. Now, that is what the U.S. Department of Transportation is telling us.

And what are the current conditions of our Nation's highways? At present, only 39 percent of our National Highway System is rated in good condition. That is not what Senator BYRD is saying, that is what Senator BYRD says that the U.S. Department of Transportation says. Fully 61 percent of our Nation's highways are rated in either fair or poor condition.

For our 42,794 mile interstate system, the crown jewel of our National Highway System, one-half of the mileage is rated in fair or poor condition. These figures only worsen when one looks at our other major and Federal State highways. In our urban areas, 65 percent of our noninterstate highway mileage is rated in fair or poor condition.

There are over a quarter of a billion miles of pavement in the United States that is in poor or mediocre condition. This is what the U.S. Department of Transportation tells us. There are almost 95,000 bridges in our country that have been classified as deficient, and within that total, roughly 44,000 bridges have been deemed to be structurally deficient, meaning that they need significant maintenance, rehabilitation or replacement.

Many of these bridges require load posting, requiring heavier trucks to take longer alternate routes. That affects our efficiency, our productivity and our overall economy. And an additional 51,000 bridges have been deemed to be functionally deficient, meaning that they do not have the lane width, shoulder width or vertical clearances sufficient to serve the traffic demand. The condition of our highway system is fast becoming a national disgrace.

As I said, Mr. President, to make any improvements at all in these conditions, to keep these conditions from worsening further, we would have to boost spending in our highways, according to the U.S. Department of Transportation, by more than $15 billion annually.

With that backdrop, it defies sanity that the administration wants to freeze highway spending over the next 5 years. Every driving American pays gas taxes. We have told them that that money would go toward increased highway investments. What will we tell them now? Mr. President, this Senate needs to take an immediate step to call up the highway bill and to tell the traveling public that we do not support freezing highway spending for the next 6 years.

Why wait until May 1, when our States will be prohibited from obligating any Federal funds on highway or transit projects? We should call up the highway bill and make it clear to America that we meant what we said when we voted to transfer the 4.3 cents gas tax from deficit reduction to the highway trust fund. An overwhelming majority of the Senate supported that transfer. The administration may have frozen the transportation budget, but this Senate does not have to freeze in a stupor of suspended animation while we watch our States careen toward a certain brick wall. There are only 45 days left. Now is the time—now is the time—to take the next step by moving to the highway bill.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia controls 6 minutes.

Mr. BYRD. I ask unanimous consent that I may reserve that time.

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

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I have 20 minutes, and then at the conclusion, following the time reserved for the Senator from West Virginia, that Senator BOND be recognized to proceed with the measure that was originally planned.

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

Mr. CHAFEE. Mr. President, last Monday several Senators came to the floor to express their concern because the Senate has failed to pass a reauthorization of the Nation's surface transportation programs. Senator BYRD was on the floor again Tuesday and indeed has been on the floor today, Thursday, on this same subject. As Senators and the American people listen to these expressions of concern, I hope they will keep the bigger picture in mind.

First, why hasn't the Senate passed an ISTEA II bill that would reauthorize our highway and transit programs? Well, it isn't for lack of trying, Mr. President. That bill was before the Senate for a period of more than 2 weeks at the close of the session last year. But Senate consideration of the bill was blocked by a filibuster, a filibuster that was supported by some of the very Senators who now complain about lack of action.

The majority leader filed four—not one, not two, not three, but four—cloture petitions to force action on the bill. I voted for cloture each and every time. Almost all the Members on this side of the aisle voted for cloture each and every time. But on the other side of the aisle we did not get much support for acting on ISTEA; in fact, we did not get any support. Considering that, Senators who now come to the floor demanding action on this bill used the procedural rules of the Senate to block action just a few short weeks ago. They voted to block ISTEA four times, as I say. Not once, not twice, not three, but four times they blocked action on proceeding to ISTEA.

On four separate occasions, when these Senators could have used their power as voting Members of this body to help the majority leader move this vital legislation forward, they voted no. They would not help. If they believe ISTEA is a vital bill, why didn't they help? With their help we could have completed Senate action last year.

Last Monday, one Senator even said that Congress is "derelict in its duty" because it has not acted on the ISTEA reauthorization. Now, "derelict in its duty" is a pretty strong statement. Well, who is it that has been derelict? It has not been the majority leader. He forced four cloture votes on this bill. I did everything I could to move the bill forward. I was ready then. I am ready now.

If dereliction of duty is a fair charge, I suppose it is a charge most appropriately aimed at those Senators who voted against cloture on this bill four

separate times. There is a record. Anyone can look up and see who those Senators were.

Now, my second point goes to the schedule for completing action on ISTEA. The Senators who spoke Monday and Tuesday were talking as if Senate action is all that is needed to wrap this matter up now. They went on at great length about how the States need early Senate action so the States can plan for the coming construction season. These Senators expressed great frustration on behalf of the States because any further delay will greatly complicate the work of the States.

Well, I am sympathetic to the plight of our State transportation departments because this bill has been delayed. I wish we were at the end of the day and the States had the bottom-line allotments they need for their planning, but as everybody knows, Senate action on this bill is only a very small step in a long traveling process.

The House has to do a bill. That bill is likely to be very different from the Senate bill so, therefore, we have to resolve the differences in conference and then bring the bill back for passage in the respective bodies. Any State that did any planning based solely on a Senate-passed bill would be making a great mistake. Frankly, they cannot make any plans until the entire process is completed.

Now, everyone knows that the House has made a very firm decision to postpone action on this transportation legislation, so-called ISTEA reauthorization, until the budget resolution for fiscal year 1999 is completed. That is a fact. The House has said that. Even if we passed ISTEA II in the Senate this afternoon, we would not speed up the process one iota. Even if we passed it last year when some of us were here on the floor ready to take action we would still be forced to wait for the House to complete its work.

As I look at the calendar, the House is making the task facing the States more difficult. But we cannot change the calendar by voting on this bill today on the floor of the Senate.

So what is really going on here, Mr. President? Why would Senators who voted to block action on this bill just a few weeks ago now come to the floor demanding action today? Why would Senators who know that we have to wait for the budget resolution to be completed before the House will act speak as if the Senate is "dithering and dallying and delaying" on this bill?

The real issue, Mr. President, is how much money are we going to spend on the highway program. That is the real question. The Senators who are clamoring for action now are the sponsors of a big amendment to dramatically increase Federal highway spending. They want the bill to come up now because they want their amendment for highway spending to be considered now in a budgetary vacuum with no other priorities competing for the dollars they would like to spend on highways.

A week ago, the President of the United States delivered his State of the Union Address. Perhaps the most memorable line in that speech was his call to use any future budget surpluses for "Social Security First."

If there is a surplus—and at this point everybody should keep in mind it is a projected surplus; the dollars have not actually come in yet—the President said Congress should not spend the money and Congress should not cut taxes; rather, we should use the surplus to shore up the Social Security system so that it can go on meeting the retirement needs of all Americans well into the next century.

Those Senators who are calling for action on the highway bill now are not exactly in the President's camp when it comes to Social Security first. They might be called the "Highway First" crowd. They want the Senate to take up the highway bill so that they can put a big proportion of the potential surplus into more highway spending before anybody else, including Social Security, can lay claim to that projected budget surplus.

"Highways First," that is their motto. I must say, I find their arguments astonishing, especially when they are expressed by the Senator from Texas. It comes down to this. "The Government has a surplus. We must spend the surplus. To do otherwise would break a solemn oath we made to the American people."

Now, the surplus that the Senator from Texas most frequently mentions in the context of the highway bill is one that will result because of action taken last year to put the revenue from the 4.3-cent gasoline tax imposed in 1993, that was passed to reduce the deficit—and the vote, as has been pointed out today, was to transfer that—into the highway trust fund.

In 1993, when the Democratic Party still controlled the Congress, gasoline taxes were increased by 4.3 cents per gallon with the revenue going to the general fund to reduce the deficit. The Senate Republicans all voted against that tax increase in 1993. But last year, with the Republicans in charge, the revenue from that tax increase was transferred into the highway trust fund from the deficit reduction area where it was before. And now we are asked to spend it.

Now, the notion—this is something I really want to stress —the notion that anybody promised the American people to spend that 4.3 cents on highway construction is preposterous. It is just the opposite. The American people were promised that that 4.3-cent increase would be used to bring down the deficit, not to increase spending programs.

Now that the deficit is under control, the Senator from Texas has led the charge to transfer the revenue from that tax to the highway trust fund. As a result, the highway trust fund is projected to run a big surplus in the future. And without even a blush, the Senator from Texas says we are bound by a solemn commitment to prevent that surplus. Pour it into highway spending whether it is needed or not—tax and spend. Never was there a more open and shut case of the "tax and spend" fever.

The clamor we have heard over the past few days to do ISTEA now is all about spending the surplus. And who is going to be first at the trough? It is not about dereliction of duty. Senators who voted four times to block the bill just a few weeks ago are in no position now to suggest that the Senate is shirking its duty.

And it is not about when this bill will ultimately be concluded. I wish it were done already. It is a burden, as anybody knows. No one knows better than some of the Senators on the floor today what it is like to manage a complicated, contentious piece of legislation such as the surface transportation legislation.

I wish that we could have accelerated the schedule by acting here in the Senate today. Unfortunately, we are not in control of the calendar. The House has decided, as I said before, to wait until the budget resolution has been completed.

What these Senators really want for the Senate is to vote on their amendment to spend more on highways before any other priorities can make a claim on this potential surplus. "Highways First," as I say, is their motto.

I know there are many Members of this body who believe we should spend more on highways, maybe not "Highways First," not take it all, but some more. For those Senators, I would make three quick points.

First, the bill reported by the committee—the committee I am chairman of that brought the bill to the floor—dramatically increases highway spending. It is up over 20 percent over ISTEA I. It is up $25 billion over the 6-year period. In the context of the balanced budget amendment reached last year, that essentially freezes discretionary spending over the next 5 years. And here is a program that gets a 20 percent increase. Thus, no one can argue that we did not do very well in connection with this piece of legislation.

As a second point, if Senators believe that even more is needed, they will have the opportunity to make that case when the Senate considers the budget resolution in March. The committee-reported bill tracks the spending levels given to us in the budget resolution last year. We have followed our instructions in and abided by the budget that this Senate adopted, and the ink is hardly dry on it. It was only signed by the President I believe in

July. If the Senate changes course and wants to increase spending in the budget resolution for next year, then I would assume an amendment to ISTEA II to carry out that instruction would be adopted.

Third, Senators should be careful about the sequence of these decisions. I believe that many Senators have signed on to the so-called Byrd-Gramm amendment without fully understanding all the subtleties. It does authorize massive amounts of additional spending, but it also restructures who has first claim to the funds that are actually appropriated.

The Byrd-Gramm amendment increases the share of the pie going to 13 Appalachian Regional Commission States and to a trade corridor program that would benefit a few States, such as Texas. Their portion of the pie gets bigger. But if the pie itself does not grow because there is no room in the budget for larger appropriations, the net effect will be that all the other States will go down. In other words, they are locked in at this increased amount for the Appalachian Regional Commission States and this corridor dealing with the so-called NAFTA demands. That is locked in under the proposal that they have. And if we do not increase the overall spending, then theirs stays up there and it comes out of the portion allocated to all the other States.

A Senator voting for Byrd-Gramm now because he or she wants to increase highway spending authorization could actually cause his or her State to lose highway dollars if subsequent budget decisions do not provide for increased highway appropriations. So I urge everyone to be cautious on this matter.

All these considerations have persuaded me that the wisest course is the one that Senator DOMENICI, chairman of the Budget Committee, has urged. Let's make the spending decisions in the context of the entire budget. I'm ready to go with ISTEA II now. I am more committed to getting ISTEA done than any other Member of this body. I want it completed, but I am willing to stand down for the time being because I believe the Senate will make better public policy if it considers highway spending in the context of the entire budget rather than in the vacuum of these early days of the session, as the highways first group has been urging.

I thank the Chair.

Mr. BYRD. Well, Mr. President, at last we have smoked him out. I have been speaking on this floor urging that the leadership bring up the highway bill. So we are having a good debate today. That is what we have been needing all along. The debate is just starting.

I'm glad that my friend has come out of the bushes. Let's debate this matter, but let's debate it with the bill before the Senate.

Mr. CHAFEE. Could I ask the Senator a question?

Mr. BYRD. Without it being charged as my time.

Mr. CHAFEE. How did the Senator vote on the cloture motion when we tried to move to this bill in October, late September, October?

Mr. BYRD. Mr. President, the Senator thinks he has me over a barrel. I voted against cloture. I make no bones about that.

But why finger point at that bill? Finger pointing isn't going to resolve the problems that are going to confront our highway departments and our Governors and our mayors throughout this country. That is not going to do any good, Senator.

Yes, I voted against cloture. I would like to see a campaign finance reform bill, but I would also like to see a highway bill. So forget what happened back there on cloture.

Lot's wife looked back and she turned to salt. Let's don't look back. Let's keep our promise, the promise that was made to bring up this highway bill. I didn't make that promise. The leadership of the Senate made that promise.

This is not a partisan matter, Mr. President. Republicans and Democrats buy gas at the gas station. Republicans and Democrats pay a gas tax. Republicans and Democrats use the highways of this country and the transit systems. Republicans and Democrats are injured and die when safety conditions get to the point where accidents occur. So this is not a partisan matter.

I know that the Senator from Rhode Island is against that amendment. He has been all along. He was against it when the bill was up last fall. That is a given. There is no surprise in that. But, Mr. President, the promise was made to bring up the highway bill.

Now, I have been around this Senate a long time, and this is the first time I have heard that the House controls the Senate calendar. I don't believe that, and I have reason to believe that if the Senate will act, the House might change its mind. Why should the House control the calendar here? The highway needs are out there. The Senator knows that. They exist in his own State. They exist in my State. They exist in every State in this country.

The highway departments and the Governors and the mayors don't know how to plan their budgets for this year because they don't know what Federal resources they can count on and they can't do long-term planning. When we talk about highways, those plans have to be long term.

I say to the Senator, why not have a bill up now? Let's debate it, but let's debate while we are on the bill. That is the promise that was made. I didn't make that promise. I'm not attacking any Senator personally. I am urging the Senate leadership to take up the bill. Why not have the bill before the Senate? Now, if we take up the bill, the House will surely move, I would think. The pressure will be on them. We can't base our actions on what the House might do.

The House schedule doesn't change the May 1 deadline, Senator. The May 1 deadline is only 45 days away, and the House schedule won't change that. That is approaching. Every day that we waste here, sitting on our hands talking about other matters, some of which are important, some of which are not—I pointed out just the other day that we wasted over 3 hours in one day in recesses and in quorum calls. We could be debating this bill, my friend. I hope that the Senator will join us in urging the leadership to bring this bill up. I would like to hear the Senator on the floor every day. I would like to hear his voice rising, up sometimes, up and down. I hope he will join us because I would like to be here with him. I would like to be debating the highway bill.

We have had a series of broken promises. Congress acted to shift the 4.3-cent gas tax to the highway trust funds. The people have been told, regardless of what the Senator says, the people have the understanding that that money is going to be spent on surface transportation programs. So we promised that, and then we promised to take up the highway bill. What about the highway needs? How can we ignore those needs when we have huge, unspent balances in the trust fund?

Mr. President, I just called my highway department this morning, and according to the West Virginia State Highway Commissioner, if ISTEA is postponed beyond the May 1 date, 75 highway projects, including about 20 bridges in West Virginia, will have to be delayed. This story can be told all over this country. Senator, you will hear it. You will hear it. I say that with the utmost respect. The Senator from Rhode Island is going to hear it.

Mr. President, do I have any time left?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Rhode Island has 5 minutes.

Mr. BYRD. He is my friend and I respect him highly, always have and will continue to do so.

Mr. CHAFEE. Mr. President, I want to say there is nobody I enjoy dueling with more on this floor than the Senator from West Virginia. We have been against each other on some rare issues. We have been together on many issues.

Mr. BYRD. I like it much better when we are together.

Mr. CHAFEE. As I listened to what he said, Mr. President, it brought to mind that old song, "Will you love me

in November as you did in June?" And I say to the Senator, why didn't he love this bill in October as he does in February?

Mr. BYRD. Mr. President, I loved it. I loved it then.

Mr. CHAFEE. We had not one, we had not two, we had not three, we had four votes, Mr. President——

Mr. BYRD. Mr. President, I loved it.

Mr. CHAFEE. To try to move this bill that the Senator from West Virginia is embracing now.

His arms are around ISTEA II——

Mr. BYRD. Tell me now.

Mr. CHAFEE. With affection. Where was he when we needed him?

Mr. BYRD. I wanted to offer my amendment, but the amendment tree was filled.

Mr. CHAFEE. And we have those votes, and I looked; where is a vote—we are voting aye.

Mr. BYRD. I didn't see the Senator looking for me.

Mr. CHAFEE. I sought him, but I couldn't find him——

The PRESIDING OFFICER. We will have order.

Mr. CHAFEE. And I went away distressed.

So now we will have an opportunity in this bill, as the majority leader has made it clear the way we will proceed, and I look forward, as we get into this, that he will support a bill that will accomplish the goals of the Nation in the context of all the other demands that are placed upon the budget of the United States.

I will conclude by stressing once again that we have an increase in this bill this year, ISTEA II, over the past, of 20 percent when the other discretionary accounts are frozen. In other words, the nondefense items and the nonentitlement items are all frozen—whether you are talking Head Start, school lunches, the school programs, the health programs; they are frozen—and we get a 20 percent increase, which is pretty good, for this program.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BYRD. Will the Senator from Missouri yield?

Mr. BOND. For a brief comment?

Mr. BYRD. For a brief comment.

Mr. BOND. I am happy to yield.

Mr. BYRD. I want to thank the distinguished Senator from Missouri for his patience in listening to this discussion that has been going on. He is going to manage a bill, but he has been very patient, and I think we imposed on him. I just wanted to apologize and thank him.

Mr. CHAFEE. I also thank the distinguished Senator from Missouri because he let us proceed. He was to go at 11:30. We thank him very much for his time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have to say that it is very enlightening to listen to my two distinguished colleagues debate this very important matter. Were it not for the schedule of the Senate, I far prefer to be enlightened and edified by these two great leaders of our time. Unfortunately, I believe the time has come for us to move on with other business.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 304, S. 1601, regarding human cloning.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. In light of the objection from the other side of the aisle, I now move to proceed to S. 1601.

The PRESIDING OFFICER. Is there debate on the motion?

Mrs. FEINSTEIN. Mr. President, I wish to debate the motion.

The PRESIDING OFFICER. The Senator from California may proceed.

Mrs. FEINSTEIN. Mr. President, this is a rush to judgment on one of the most fundamental issues of the 20th century. Mr. President, this is not renaming National Airport Ronald Reagan Airport.

Mr. President, I submit respectfully to the distinguished Senators on the other side of the aisle that this is a major debate that has scientific implications, moral implications and ethical implications. It is a debate, also, that involves one of the most difficult areas of science involving human genetics, with a vocabulary and a lexicon that is not understood by the great bulk of the American people and certainly not by many of us in the U.S. Senate.

Both the Bond-Frist bill and the Feinstein-Kennedy bill dealing with the subject of human cloning were introduced less than 48 hours ago—48 hours. No hearings have been held on either bill, no floor debate has been held on either bill. The medical community, the research community, patients with currently incurable diseases whose cure we might affect by both of these bills have barely read the bills, much less analyzed them.

As a matter of fact, the letters are now beginning to pour in. I ask unanimous consent to have printed in the RECORD a 9-page statement of the Biotechnology Industry Organization regarding legislation introduced to ban human cloning and a letter to Senator MACK from the American Association for Cancer Research.

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

STATEMENT OF THE BIOTECHNOLOGY INDUSTRY ORGANIZATION REGARDING LEGISLATION INTRODUCED TO BAN HUMAN CLONING

The Biotechnology Industry Organization (BIO) believes that it is both unsafe and unethical to even attempt to clone a human being. BIO strongly supported the review of this issue by the National Bioethics Advisory Commission (NBAC) and the moratorium on cloning imposed by President Clinton. We believe that the FDA has clear authority and jurisdiction and will, as they have stated, prohibit any attempt to clone a human being.

BIO is concerned about the scope and impact of legislation introduced to make it a crime with a ten year prison sentence to conduct biomedical research which may or may not have any relevance to the cloning of a human being. We are very concerned about the rushed process to pass legislation on this complex subject and the possibilities for unintended consequences. The scientific and legal issues with respect to any legislation regarding biomedical research are exceedingly technical, and a hastily drafted bill could advertently and inadvertently damage biomedical research on deadly and disabling diseases.

The Senate needs to adhere to the standard for doctors, "first, do no harm." Biomedical research into deadly and disabling diseases is far too important to rush to enact legislation which would unequivocally undermine promising research and therapies. The Senate should be extremely cautious before it starts sending scientists to jail when the purpose of their research meets the highest moral and ethical standards and holds such promise for relieving human suffering.

ANALYSIS OF PENDING BILLS AND THE SCIENCE AT RISK

Several bills have been introduced in the Senate regarding human cloning. They vary widely in focus and precision. The three principal bills are S. 368, S. 1599, and S. 1602 and we have analyzed each of them here.

The first bill introduced by Senator Bond last year, S. 368, is one of the better drafted bills introduced in either body. It uses reasonably accurate terms to describe the applicable science and limits Federal funding for the cloning of a human being.

The new bill introduced by Senator Bond, S. 1599, would impose a ten year prison sentence for any individual for the act of "producing an embryo (including a preimplantation embryo)" through the use of a specified technology, "somatic cell nuclear transfer," even if the production of such an embryo is for purposes unrelated to the cloning of a human being and even if the embryo does not contain nuclear DNA which is identical to that of an existing or previously existing human being (cloning). The bill goes beyond the issue of cloning to make it a crime to use somatic cell nuclear transfer of a nucleus derived from normal sexual union of an egg and sperm, which is obviously not cloning. It would also make it a crime to conduct some research seeking to generate stem cells to treat a wide range of deadly and disabling diseases, treatments which have nothing whatever to do with human cloning.[1]

The third bill, introduced by Senator Feinstein, S. 1602, would impose heavy civil fines for any entity that would "implant or attempt to implant the product of somatic cell nuclear transfer into a woman's uterus . . ."

[1] An identical bill has been introduced by Senator Lott as S. 1601 and this may be the bill which is called up for the Senate debate.

This sharply focuses the bill on an attempt to clone a human being and would not imperil biomedical research.

IMPACT OF BILLS ON STEM CELL RESEARCH

The current bill introduced by Senator Bond would, because it goes well beyond the issue of human cloning, imperil promising biomedical research, including research to generate stem cells. Instead of focusing on cloning, it makes it a crime to zygote or embryo through the use of a new technology, somatic cell nuclear transfer, even if the use of this technology is essential for the generation of stem cells to treat disease and where there is no intention or attempts through use of this technology to clone a human being. Basically the current bill would make it a crime to conduct research if it could possibly be related to the cloning of a human being even if it is not, in fact, conducted for that purpose.

This approach in S. 1599 goes beyond the issue of human cloning and would outlaw some research to create stem cells, including stem cells for the following types of treatments: cardiac muscle cells to treat heart attack victims and degenerative heart disease; skin cells to treat burn victims; spinal cord neuron cells for treatment of spinal cord trauma and paralysis; neural cells for treating those suffering from neurodegenerative diseases; pancreas cells to treat diabetes; blood cells to treat cancer anemia, and immunodeficiencies; neural cells to treat Parkinson's, Huntington's and Amyotrophic Lateral Sclerosis (ALS); cells for use in genetic therapy to treat 5,000 genetic diseases, including Cystic Fibrosis, Tay-Sachs Disease, schizophrenia, depression, and other diseases; blood vessel endothelial cells for treating atherosclerosis; liver cells for liver diseases including hepatitis and cirrhosis; cartilage cells for treating of osteoarthritis; bone cells for treatment of osteoporosis; myoblast cells for the treatment of Muscular Dystrophy; respiratory epithelial cells for the treatment of Cystic Fibrosis and lung cancer; adrenal cortex cells for the treatment of Addison's disease; retinal pigment epithelial cells for age-related macular degeneration; modified cells for treatment of various genetic diseases; and other cells for use in the diagnosis, treatment and prevention of other deadly or disabling diseases or other medical conditions.

To be precise, the current bill introduced by Senator Bond, S. 1599, would make it a crime to generate stem cells, for the above uses, where somatic cell nuclear transfer technology is used. It would not ban stem cell research where the stem cell is generated without the use of somatic cell nuclear transfer. It is not possible to say how much of this promising research will or might involve the use of somatic cell nuclear transfer. As described below, the bill would clearly ban the generation of any stem cells "customized" to an individual where somatic cell nuclear transfer must be used.

This stem cell technology is exciting and potentially revolutionary. Scientists are developing a new approach for treating human diseases that doesn't depend on drugs like antibiotics, but on living cells that can differentiate into blood, skin, heart, or brain cells and can potentially treat various cancers, spinal cord injuries, and heart disease. For example, this stem cell research has the potential to develop and improve cancer treatments by gaining a more complete understanding of cell division and growth and the process of metastasis. This could also lead to a variety of cancer treatment advances.

The type of cells that make up most of the human body are differentiated, meaning that they have already achieved some sort of specialized function such as blood, skin, heart or brain cells. The precursor cells that led to differentiated cells come from an embryo. The cells are called stem cells because functions stem from them like the growth of a plant. Stem cells have the capacity for self-renewal, meaning that they can reproduce more of themselves, and differentiation, meaning that they can specialize into a variety of cell types with different functions. In the last decade, scientists studying mice and other laboratory animals have discovered new powerful approaches involving cultured stem cells. Studies of these cells obtained from a mouse's stem cells show they are capable of differentiating, in vitro or in vivo into a wide variety of specialized cell types. Stem cells have been derived by culturing cells of non-human primates. Promising efforts to obtain human stem cells have also recently been reported.

Stem cell research has been hailed as the "[most] tantalizing of all" research in this field, because adults do not have many stem cells. Most adult cells are fully differentiated into their proper functions. When differentiated cells are damaged, such as damage to cardiac muscle from a heart attack, the adult cells do not have the ability to regenerate. If stem cells could be derived from human sources and induced to differentiate in vitro, they could potentially be used for transplantation and tissue repair.

Using heart attacks as an example, we might be able to replace damaged cardiac cells, with healthy stem cells, that could differentiate into cardiac muscle. Research using these stem cells could lead to the development of "universal donor cells," and could be an invaluable benefit to patients. Stem cell therapy could also make it possible to store tissue reserves that would give health care providers a new and virtually endless supply of the cells listed above. The use of stem cells to create these therapies would lead to great medical advances. We have to be sure that this legislation concerning human cloning would not in any way obstruct this vital research.

BOND BILL APPLICATION TO NON-IDENTICAL NUCLEUS

The purpose of a bill to ban human cloning is supposedly to ban the cloning of an individual and the essence of this is the duplication of the DNA of one individual in another. The term "somatic cell," however, is not limited in the current Bond bill to somatic cells with DNA which is the same as that of an existing or previously existing human being. If it is not limited to cases where the DNA is identical, human cloning is—by definition—not involved.

The current Bond bill goes beyond cloning because it does not define the term "somatic cell" or limit to cases where the DNA is identical. It only defines the term "somatic cell nuclear transfer," but it does not define the term "somatic cell." We need a brief glossary of terms to define what constitutes a "somatic cell."

"Zygote" means a single celled egg with two sets (a diploid set) of chromosomes as normally derived by fertilization;

"Egg" and "oocyte" mean the female gamete;

"Gamete" means a mature male or female reproductive cell with one set (a haploid) set of chromosomes;

"Sperm" means the male gamete;

"Somatic cell" means a cell of the body, other than a cell that is a gamete, having two sets (a diploid set) of chromosomes.

So a "somatic cell" is any cell of the body other than a gamete, and it includes a fertilized egg. This means that the current Bond bill would make it a crime to use somatic cell nuclear transfer even in cases where the somatic cell contains a nucleus derived from sexual reproduction, which is obviously not cloning. This means that even though the nucleus is not a clone, the current Bond bill makes it a Federal crime to create it. This means that the current Bond bill goes beyond the issue of cloning.

Because of this coverage of all "somatic cells" the current Bond bill would make it a crime for doctors to use a currently effective treatment for mitochondrial disease. In this treatment women who have the disease have an extreme and tragic form of infertility. The disease is a disease of the mitochondria, which is an essential element of any egg. The treatment for this disease involves the use of a fertilized nucleus which is transferred through the use of somatic cell nuclear transfer to an egg from which the nucleus has been removed. The new egg is a fresh, undiseased egg. The current Bond bill would make a crime to provide this treatment even though the nucleus which is transferred is the product of fertilization, no cloning.

CUSTOMIZED STEM CELLS

If the current Bond bill was limited to sometic cells with nuclear DNA identical to that of an existing or previously existing human being, i.e., to a cloned nucleus, it would make it a Federal crime to conduct one especially promising type of stem cell research, into generating "customized" stem cells.

A researcher or doctor might want to create a human zygote with DNA identical to that of an existing or previously existing person through the use of somatic cell nuclear transfer, the act prohibited in the bill, in order to create a customized stem cell line to treat the individual from whom the DNA was extracted. By using the same DNA, the stem cell therapy would more likely to compatible with, and not be rejected by, the person for whom the therapy is created. By starting with the patient's own nuclear DNA, the therapy is, in effect, custom made for that person. It is like taking the patients blood prior to surgery so that it can be infused into the patient during surgery (avoiding the possibility of contamination by the use of blood of another person).

Because the current Bond bill makes it a crime to use the technology—somatic cell nuclear transfer—it would make it a crime to develop a therapy with the equivalent of the patient's personal monogram on it a customized treatment based on their own nuclear DNA.

Because the bill introduced by Senator Feinstein requires the implantation of an embryo, it does not curtail stem cell research, and the bill provides that the transfer nucleus must be that of an "existing or previously existing human child or adult," precisely the limitation not present in the current Bond bill. None of the issues we have raised regarding the current Bond bill apply to the Feinstein bill, which is narrowly focuses on the act of cloning, or attempting to clone an individual.

PROTECTING BIOMEDICAL RESEARCH

The current Bond bill and the Feinstein bill both contain clauses for the protection of biomedical research. There is a critical difference between them.

At the press conference announcing introduction of his bill Senator Bond distributed

a document entitled "Current Research Untouched by the Bond/Frist/Gregg Legislation." The title of this document was followed by a list of such research, including "In Vitro Fertilization," "Stem Cell Research," "Gene Therapy," "Cloning of Cells, Tissues, Animals and Plants," "Cancer," "Diabetes," "Birth Defects," "Arthritis," "Organ Failure," "Genetic Disease," "Severe Skin Burns," "Multiple Sclerosis," "Muscular Dystrophy," "Spinal Cord Injuries," "Alzheimer's Disease," "Parkinson's Disease, and "Lou Gehrig's Disease". Unfortunately, the title is followed by a critical qualification, an asterisk. The asterisk qualification states, "The current Bond bill would not prohibit any of this research, even embryo research, as long as it did not involve the use of a very specific technique (somatic cell nuclear transfer) to create a live cloned human embryo."

In the ways described above this asterisk qualification acknowledges that the bill would, in fact, make it a crime to conduct some types of stem cell research and other research. Given the importance of the asterisk, the document's title the list of supposedly protected research could be considered misleading. The document should more accurately have been entitled "Only Some Research Regarding the Following Diseases is Outlawed."

The current Bond bill contains a Section 5 entitled "Unrestricted Scientific Research." This section provides that "Nothing in this Act (or an amendment made by this Act shall be construed to restrict areas of scientific research that are not specifically prohibited by this Act (or amendments)." This provision is circular. It states that the bill does what it does and does not do what it does not do. The provision does nothing to modify the prohibitions on research and does nothing to protect "scientific research."

In contrast the Feinstein bill includes a provision regarding "Protected Research and Practices" which provides that "Nothing in this section shall be construed to restrict areas of biomedical and agriculture research or practices not expressly prohibited in this section, including research or practices that involve the use of—(1) somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; (2) mitochondrial, cytoplasmic or gene therapy; or (3) somatic cell nuclear transfer techniques to create nonhuman animals." This is a "savings" clause with meaning and content. Its reference to the cloning of "cells" and to "mitrochondrial" therapy are laudatory and meaningful.

NBAC RECOMMENDATION AND CLINTON ADMINISTRATION BILL

The National Bioethics Advisory Commission (NBAC) cautioned that poorly crafted legislation to ban human cloning may put at risk biomedical research on the following types of diseases and conditions: "Regeneration and repair of diseased or damaged human tissues and organs" (NBAC report at 29); "assisted reproduction" (NBAC report at 29); "leukemia, liver failure, heart and kidney disease" (NBAC report at 30); and "bone marrow stem cells, liver cells, or pancreatic beta-cells (which product insulin) for transplantation" (NBAC report at 30). The Clinton Administration proposed law, like the Feinstein bill, avoids the peril identified by NBAC and focuses only on the issue of human cloning and does not imperil biomedical research.

SUNSET AND PREEMPTION

NBAC proposed that any law include both sunset review and preemption provisions.

Regarding a sunset review provision, NBAC stated in its report: "It is notoriously difficult to draft legislation at any particular moment that can serve to both exploit and govern the rapid and unpredictable advances of science. Some mechanism, therefore, such as a sunset provision, is absolutely needed to ensure an opportunity to re-examine any judgment made today about the implications of somatic cell nuclear transfer cloning of human beings. As scientific information accumulates and public discussion continues, a new judgment may develop and we, as a society, need to retain the flexibility to adjust our course in this manner. A sunset provision . . . ensures that the question of cloning will be revisited by the legislature in the future, when scientific and medical questions have been clarified, possible uses have been identified, and public discussion of the deeper moral concerns about this practice have matured." NBAC report at 101.

President Clinton has proposed a five year sunset in his bill. The Feinstein bill includes a ten year sunset and the current Bond bill includes no sunset review.

BIO supports inclusion of a sunset review provision, but the most important issue is whether the terms of the prohibition in any law focuses only on the issue of human cloning. A sunset review provision will not undo the damaged which a poorly crafted, over broad law would do to biomedical research prior to the sunset date.

The Feinstein bill, but not the current Bond bill, includes a clause which preempts inconsistent state laws. NBAC strongly supported a preemption of state laws: "The advantage to federal legislation—as opposed to state-by-state laws—lies primarily in its comprehensive coverage and clarity. . . . Besides ensuring interstate uniformity, a federal law would relieve the need to rely on the cooperation of diverse medical and scientific societies, or the actions of diverse IRBs, to achieve the policy objective. As an additional benefit, federal legislation could displace the varied state legislative efforts now ongoing, some of which suffer from ambiguous drafting that could inadvertently prohibit the important cellular and molecular cloning research described . . . in this report." NBAC report at 100.

Numerous bills introduced in state legislatures, some of which are very poorly crafted and over broad.

BIO supports inclusion of a preemption clause. Again, the key issue is whether the prohibition in any law focuses only on the issue of human cloning and does not imperil biomedical research. A poorly drafted, over broad Federal law which preempts state laws might do even more damage.

NBAC ROLE AND COMMISSION

NBAC performed a public service with its quick and thoughtful analysis of the human cloning issue. The current Bond bill would set up an entirely new body to review the human cloning issue rather than rerefer the issue back to NBAC for further review. NBAC is well qualified and positioned to perform this function and it may be wasteful and expensive to establish another body to perform this ongoing review. The Feinstein bill calls on NBAC to conduct the reviews.

AMERICAN ASSOCIATION FOR CANCER RESEARCH, INC.,
Philadelphia, PA, February 4, 1998.

Hon. CONNIE MACK,
U.S. Senate, Washington, DC.

DEAR SENATOR MACK: Medical research, conducted in the United States over the last 20 years, has opened up tremendous opportunities to make progress against many devastating diseases. The scientific community does not desire to make human beings, or modify or genetically mark any portion of our population. However, to deny the application of molecular biology, made possible through the use of cloning technologies, to patients who could be benefited would be a great injustice.

A litany of beneficial applications of cloning technology was enumerated in this weeks TIME Magazine. Several of these applications are at the core of cutting-edge cancer research, and there are many more potential benefits that are unknown at this time. These applications, as well as any future progress, would be eliminated by broad legislation setting back progress and potential in our conquest to develop effective approaches to the prevention, detection, and treatment of cancer.

The American Association for Cancer Research (AACR), with over 14,000 members, is the largest professional organization of basic and clinical cancer researchers in the world. Founded in 1907, its mission is to prevent, treat, and cure cancer through research, scientific programs, and education. To accomplish these important goals it is essential that scientists vigorously pursue all promising lines of investigations against cancer.

The AACR feels strongly that an ethical and just compromise can be reached that will protect the public and the scientific community from the irresponsible application of cloning technology while permitting meaningful and ethical research to move forward. The medical and cancer research community feels that the present rush to enact legislation without proper consideration or deliberation is a serious mistake, and the unfortunate result would be irresponsible legislation.

As scientists we clearly see the tremendous advantages of cloning technology as well as its potential problems, which we, also, have reason to fear if it is applied in an unreasonable manner.

The AACR, therefore, appeals to all Members of Congress to establish and honor a moratorium of at least 45 days on enacting any legislation until definitions and implications of legislation can be determined in a more reasonable and thoughtful manner, and in an open and public process. This would be a service to humanity, science, and millions of individuals who are now suffering, or will suffer in the future, from catastrophic and crippling diseases such as cancer. We appeal to all members of Congress to give this important moral and scientific issue very careful consideration and deliberation. Clearly a rush to judgment on this complex issue could be a major setback for cancer and medical research.

Sincerely,

DONALD S. COFFEY,
President.

Mrs. FEINSTEIN. Mr. President, the Biotechnology Industry Association analyzes both the Bond-Frist bill and the Feinstein-Kennedy bill, which is a second bill that addresses cloning. This interesting analysis, representing the entire biotechnology industry of the United States, makes a very important point, that whatever we do here impacts on human research in a multitude of different areas, and most particularly it affects cancer research. Mr. President, I will comment on this paper and also comment on a number of other items.

The American Association for Cancer Research's letter to Senator CONNIE MACK urges that there be a 45-day delay in enacting any legislation until definitions and implications of legislation can be determined in a more reasonable and thoughtful manner and in an open and public process. They are calling for reason, they are calling for thoughtful deliberation, they are calling for a public process. Who can deny that on a very complicated subject?

The Whitehead Institute—and specifically Gerald R. Fink, a Director of the American Cancer Society, Professor of Genetics—in his letter talks about the limited ability to develop cell-based strategies, which will take place if the Bond-Frist bill is ramrodded through this body.

The American Society for Reproductive Medicine has written a letter urging this body to vote no on the Bond-Frist legislation.

The American Psychological Association has written to us urging that we delay, that there be discussion and debate, and they point out that we need to protect research efforts in this area.

The American Association for the Advancement of Science has said that they are deeply concerned about the ethical and scientific issues. They warn us: "Use great caution in moving with this legislation."

Even the College of Veterinary Medicine from the University of Missouri, Colombia, has written to this body urging caution.

The University of California at San Francisco, Roger A. Pederson, Professor and Research Director of the Reproductive Unit of the Department of OB/GYN and Reproductive Science, has written to this body urging caution and restraint as well.

I ask unanimous consent that these letters be printed in the RECORD.

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

AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE,
Birmingham, AL, February 5, 1998.

DEAR SENATOR KENNEDY: The American Society for Reproductive Medicine (ASRM) urges you not to allow the Bond Human Cloning Prohibition Act (S. 1601) to be brought to the floor for a vote today, and if it is, to vote against it.

ASRM is very concerned that in the rush to make human cloning illegal, Congress will inadvertently outlaw very serious and promising medical research that may uncover cures to some of the most deadly diseases. Cloning is a highly technical area that cannot easily be understood and should not be hastily legislated.

Scientists engaged in legitimate medical research are not interested in cloning a human being. Since October, professional organizations representing more than 64,000 scientists have announced their participation in a voluntary five year moratorium on human cloning. Efforts led by the scientific community, rather than legislative prohibitions, have worked before, and will work this time.

When we first discovered how to duplicate DNA at any level, there were cries to outlaw it. Luckily your predecessors did not take that step, instead allowing the scientific community's voluntary moratorium to slow research while we explored its implications. Today millions of Americans are alive thanks to drugs made using recombinant DNA.

This bill prohibits not just the creation of a human clone, but any attempt to understand how somatic cell nuclear transfer could be used to improve our understanding and treatment of disease.

We urge you and your colleagues to carefully consider any human cloning legislation and to proceed through the proper legislative channels so that a hastily drafted bill does not get passed, sentencing millions of Americans to needless suffering.

Sincerely,

J. BENJAMIN YOUNGER, M.D.,
Executive Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
February 2, 1998.

Senator DIANNE FEINSTEIN and
Senator EDWARD KENNEDY,
Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

DEAR SENATORS FEINSTEIN AND KENNEDY, I write to support the proposed "Prohibition on Cloning of Human Beings Act of 1998" introduced by both of you. There appears to be considerable confusion on this topic which apparently has resulted in an effort by some to restrict various areas of biomedical and agricultural research dealing with reproduction and embryo research. It is important to differentiate between human cloning and other types of research. My understanding also is that the FDA has indicated that they are the federal agency responsible for monitoring any possible attempts at cloning research.

I do want to emphasize again that we need to protect researchers efforts at research which does not include "the production of a precise genetic copy of a molecule (including DNA), cell, tissue, organ, plant, animal or human".

Let me also add that the American Psychological Association took the stand that it is human behavior, in all its aspects which should ultimately serve as the focus of scientific and bioethical inquiry, not simply the techniques which initiate the process. After all, just think if nature had not beaten us to the development of twins. Wouldn't there be a huge cry about how we ought not to have identical twins because it would be unnatural to have two people so similar to each other?

Thank you for permitting me to express my viewpoints. I am sure they are shared by many scientists in this country.

Sincerely,

NORMAN ABELES, Ph.D,
Professor and Immediate Past President.

AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE,
February 2, 1998.

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR BOND: The American Association for the Advancement of Science (AAAS) has followed with interest the developments of the past year related to cloning, including current and proposed legislation regarding the possible use of somatic cell nuclear transfer to clone a human being.

Throughout its 150-year history, AAAS has been a pioneer among American scientific organizations in addressing the moral and ethical issues related to scientific developments. We are deeply concerned about the scientific and ethical issues raised by the possibility of cloning human beings and believe that a much more complete understanding of these issues is essential before such experiments are even considered. At the same time, however, we are also concerned that well-intentioned legislation in the area of human cloning may inadvertently impede vital research in agriculture, biotechnology, pharmaceuticals, and genetics.

We urge that congressional leaders use great caution in drafting legislation to ban human cloning. Congress should consult with leading researchers in genetics and other areas of the life sciences in crafting language so that definitions of scientific and technical terms are well understood and the resulting laws do not impede important research that may use similar techniques but do not raise the same kinds of moral and ethical concerns. Such related research can yield great benefits, for example, in increasing agricultural production, generating new products through biotechnology, finding cures for genetic disorders, and reducing the costs of pharmaceuticals. It is essential that these legitimate and socially-important areas of research not be adversely affected by legislation aimed at restricting human cloning.

AAAS, founded in 1848, is the world's largest multidisciplinary scientific association, with 145,000 individual members and nearly 300 affiliated scientific and engineering societies. Our Committee on Scientific Freedom and Responsibility has been a powerful voice for ethics in science and, in collaboration with our Program of Dialogue Between Science and Religion, held a major public forum in Washington last June that explored scientific, moral, ethical, and religious implications of human cloning. We are eager to assist in promoting a responsible and constructive dialogue between scientists, policymakers, and the public in this area, and stand ready to assist you in any manner that would be useful.

Sincerely,

RICHARD S. NICHOLSON.

COLLEGE OF VETERINARY MEDICINE,
UNIVERSITY OF MISSOURI-COLUMBIA,
Columbia, MO, February 4, 1998.

To: Ms. Adira Simon, Senator Kennedy's Office.

From: R. Michael Roberts, Curators' Professor and Chair, Veterinary Pathobiology.

Subject: Feinstein/Kennedy (S1602) *versus* Bond (S1599).

I am sending you a copy of my letter to Senator Bond, which addresses some of the same scientific issues raised in your comparison.

I have read S1602 and believe that it would be well accepted by scientists, including members of the Society for the Study of Reproduction, and the Developmental Biologists. What is important is criminalization of any intent to produce a baby and not to ban a possibly desirable outcome of the technology, which is the generation of replacement cells and tissues for an individual. The Feinstein/Kennedy Bill also creates a moratorium rather than a difficult-to-reverse ban on cloning of human beings. Again, most scientists would find this comforting.

I should point out that the term "somatic cell nuclear transfer technology" has much broader meaning than the way it is defined in either bill. Nuclear transfer between somatic cells is a common technique and has

been used for decades. I would be happier if the wording of both bills made it clear that it is the transfer of a somatic cell nucleus to an oocyte to create a human baby that is the issue.

What I found contradictory about S1601 is that it creates an elaborate commission to report on cloning (and other issues), yet the very technique that could allow future discourse will have been criminalized.

In summary, I judge the Feinstein/Kennedy Bill likely to accomplish what most scientists and the lay public support, a ban on cloning human beings. It will not prohibit the legitimate use of somatic nuclear transfer to oocytes to create replacement tissues, and it places a time limit on the ban, which can be extended as public and scientific sentiment dictates.

UNIVERSITY OF CALIFORNIA,
SAN FRANCISCO,
January 30, 1998.

Hon. Senator KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY, I am writing to express my profound appreciation and support for your efforts to preserve the opportunities for continuing research in the United States on the earliest stages of human development. I can provide you with the names and histories of several patients in our experience who have benefited directly from prior research and diagnostic procedures leading to healthy pregnancies and births. In addition, I can provide you with one or more names of families whose health misfortunes could have been or could be avoided through research on early products of human conception.

Please tell me if this additional information will be of value to you. I applaud your efforts to achieve a responsible bill on the subject of human cloning prohibition that does not impede the benefits of basic and clinical research for the American people.

Sincerely yours,

ROGER A. PEDERSEN, PH.D.,
Professor and Research Director, Reproductive Genetics Unit, Department of Obstetrics, Gynecology and Reproductive Sciences.

Mr. BOND. Mr. President, may I inquire of the distinguished Senator from California how long she will be? We have not had an opportunity for an opening statement. I would like to know how long she proposes to proceed in opposition.

Mrs. FEINSTEIN. I would like to respond to the distinguished Senator from Missouri. I think the Senator is right. I do have a very lengthy presentation to make, and it is going to be quite involved. I would be very happy to yield to him to make his opening statement if he would see that I have the floor regained directly following his statement.

Mr. BOND. Mr. President, I would be happy to ask unanimous consent that when my remarks are finished, the Senator from California be recognized.

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

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thought before we got into a full-fledged debate saying this is bad, perhaps my colleagues would like to know what it is that we propose to do, speaking for the sponsors of this measure. It is obviously one that is going to take some discussion and debate, and it's very helpful to know some of the objections that are raised to it. Again, for the sake of the RECORD, let me say what this is.

This measure is a very carefully and narrowly targeted provision that places an outright ban on the use of somatic cell nuclear transfer for human cloning purposes. It defines one technique, the technique that was used to create, by cloning, the sheep Dolly and says that you shall not do that for human beings —quite simply.

Why is this necessary? Why is it necessary that we move forward on this? Well, frankly, recent reports show that a Chicago-based scientist is prepared to move forward with human cloning experimentation. I think this forces an immediate debate on how far out on a moral cliff we are willing to let science proceed before we as a nation insist on some meaningful constraints. We no longer have the luxury of waiting around for this morally reprehensible act to occur.

That scientist is proposing to raise huge sums of money and promise infertile couples that he can clone human beings for them. The time for the debate and action is now. If creating test tube babies by cloning a human embryo is morally, ethically, and practically wrong, as I strongly believe it is, we need to stop it now. To delay it, to filibuster it, to postpone it means that not only this scientist and others who, perhaps, are not holding news conferences, can go forward with a process that I believe the overwhelming majority of American people believe is wrong, as I believe it is. To those who say we have not studied this or debated this, I only say that since we had this story about the cloning of Dolly the sheep, and stories of organizations and individuals pursuing human cloning, they have kept the debate alive. The American public is asking if similar techniques can be used to clone human beings, and they are concerned very deeply whether something which was thought only to be science fiction is now closer to reality.

Now, there are some distinguished books that oppose a prohibition on human cloning. They suggest that we cannot put the genie back in the bottle and we cannot stop progress. I suggest that we have come to the point where our technological capability may be outrunning our moral sense. We have, in this body, carried a prohibition against Federal funding of cloning human embryos. We have prohibited the research and experimentation with Federal funding because we thought it was way down the line. We didn't want to see money used. Last year, after the cloning of Dolly the sheep, we held hearings; tremendous amounts of testimony were presented. I personally testified before Senator FRIST's subcommittee. This is not a new debate. The reason this debate is important, and the reason that action is important is that now we are faced with scientists of, I believe, questionable judgment, who would go forward with something that is morally reprehensible.

This measure is targeted narrowly to one specific process that was used to clone the sheep Dolly. It is the somatic cell nuclear transfer to create a human embryo. In addition to prohibiting that, we have, at the urging of my distinguished cosponsor, Senator FRIST, provided for a commission to study the ethical implications of related technologies. And I believe we have made it clear that ongoing legitimate activity, short of this one specific process, cleaning out a human embryo and putting in a nuclear cell transfer, and starting the process of differentiation of the cell toward creating a test tube baby is unacceptable.

The ethical implications of human cloning are staggering. I believe that we would have the overwhelming understanding and support of the American people that we should never create human life for spare parts, as a replacement for a child who has died, or for unnatural or selfish purposes. How many embryos or babies would we tolerate being created with abnormalities before we perfect human cloning? It took Dr. Wilmut, the Scottish scientist, 276 tries before creating Dolly, and we still do not even know if Dolly is the perfect sheep. For humans, those results are unacceptable—creating tremendously deformed human embryos or human beings. Dr. Ian Wilmut, the lead Scottish scientist who created Dolly, himself stated that he can see no scenario under which it would be ethical to clone human life. And he is right.

In September of 1994, a Federal human embryo research panel noted that, "Allowing society to create genetically identical persons would devalue human life by undermining the individuality of human beings." Further, the panel concluded that there are moral concerns about the deliberate duplication of an individual genome, and that making carbon copies of a human being is repugnant to members of the public. "Many members of the panel share this view and see no justification for Federal funding of such research."

I emphatically argue that those statements apply to private sector research as well. That is what we are trying to reach. It is important to note that the legislation is narrowly drafted, and its sole objective is to ban the use of somatic cell nuclear transfer for human cloning purposes. We worked overtime to ensure that this language was specific so that it would ban only the technique used to create Dolly.

This technique has also been criticized by a representative of the pharmaceutical industry, who in a prepared statement for Members of Congress, dated January 13, 1998, stated:

While conventional cloning technology has been used extensively worldwide to meet global medical needs, nuclear transfer technology is fraught with untold failures for each partial success and has major scientific and significant ethical issues associated with it. Furthermore, it has no strong therapeutic or economic-based need driving it at this time. The concept that it is a viable alternative to infertile parents is cruel and completely unjustified. I would challenge you not to confuse the two as the Congress considers its options here.

Well, Mr. President, myself, Senator FRIST, Senator GREGG, and others, have met with and consulted with representatives of the pharmaceutical industry, researchers, representatives of patient groups, and we have told them what we are proposing to do, and we have listened to them discuss all of the implications. We know that in vitro fertilization, plant and animal cloning, cloning of DNA cells and tissues, stem cell research, gene therapy research, and other activities taking place at the Human Genome Center offer great hope in addressing how to prevent, diagnose, and treat many devastating diseases. These types of research will continue to thrive, that is clear, because we have targeted our ban so narrowly, and we intend only to prohibit, by cloning, the creation of the human embryo.

This is a technique characterized by industry, researchers, theologians, ethicists, and others, as fraught with failures and lacking therapeutic value. This bill, however, does allow the important and promising research to continue. I have long been a supporter of biotechnology. I have supported biotechnology efforts. I continue to support everything from human genome mapping to all of the other human research efforts. We have no problems with and support cloning of animals. But there is a bright line between those activities and human cloning, and we must draw that line. There is a line, Mr. President, and that line is clear.

You can do all the research you want. You can create organs, you can do all kinds of experimentation. But you should not be able to create a human embryo by cloning, starting a test tube baby. Now, there are some who say that it is all right so long as you don't implant that cloned human embryo, so long as you destroy it. Once you start the process of creating this test tube baby, it is OK to destroy it. As a matter of fact, they would have us believe that we would start all these human embryos, start the cell differentiation, and then wipe them out. Well, I think that raises serious questions with many people, and I am included in that. But it also raise also the prospect that once you start cloning these human embryos—they are very small—they can be transported very easily, picked up and taken from this country to someplace else in the world in large numbers, where there may be no ban on implementation. The difficult science is creating the human embryo. Once you do that, you have opened a whole area. And to say we are just going to prevent them from being implanted so a baby is brought to term, that won't get it because that is too late. I have heard the arguments of those who oppose this bill. And, quite frankly, let me tell you what those arguments are.

They are that some scientists would like to be able to create human embryos, play with them, and experiment with them, experiment with a human embryo that is differentiating and starting to grow, and say, "OK. Time is up. We will toss this one away and we will start playing with another one." Once you get into that process, Mr. President, you have stepped over the moral and ethical line. There is a clear line. There is a very clear line.

We are ready to have the argument because I believe a significant majority of the Members of this body reflect a significant, overwhelming view of the American people that that is unacceptable. There may be well-intentioned scientists who say we need to play with human embryos and start these embryos growing and let us play with them. They may get something. They may develop some scientific knowledge. But the statements I have already presented show that there is no really legitimate, scientific need, and, in fact, there are grave moral and ethical reasons not to. I strongly hold the belief that all human beings are unique and created by God. And I think billions of people around the world share it. Human cloning, a man's attempt to play God, will change the very meaning of life, of human dignity, and what it is to be human. Are we ready for that? I don't think so.

Mr. President, the Washington Post in October of 1994 in an editorial said:

The creation of human embryos specifically for research that will destroy them is unconscionable. Viewed from one angle this issue can be made to yield endless complexities. What about the suffering of individuals and infertile couples who might be helped by embryo research? What about the status of a brand new embryo? But before you get to these questions, there is a simpler one. "Is there a line that should not be crossed even for scientific, or other gain, and, if so, why is it?"

That is the quotation from the Washington Post. In case you missed it, let me give you the first sentence again. "The creation of human embryos specifically for research that will destroy them is unconscionable."

That is a simple, straightforward statement with which I agree, and I believe when the Members before the body have an opportunity to reflect on it and consider it, they will agree that is right.

Let me quote President Bill Clinton, 1994.

The subject raises profound ethical and moral questions as well as issues concerning the appropriate allocation of Federal funds. I appreciate the work of the committees that have considered this complex issue, and I understand that advances in in vitro fertilization research and other areas could be derived from such work. However, I do not believe that Federal funds should be used to support the creation of human embryos for research purposes.

That is the President. He said don't create human embryos by cloning for research.

That is the question. Those who would delay and filibuster want to avoid that question and delay it. I know they are well-intentioned. I know they may have great reservations. They may not agree with that simple moral standard. But there are people out there who want to start that process, who may as we speak be engaged in that process.

We have debated whether cloning of human embryos is a good idea. I think there is a clear consensus. We have drafted a narrow bill, a targeted one that I hope we can move forward to enact. There is a lot of smoke and mirrors, and there are a lot of discussions about a whole range of other options. These are very technical. That is why we set up a commission to review all of these things. What we are targeting right now is the one procedure that has been used with sheep, and could be used, if it is not stopped, to start creating human embryos. For those people who want to create human embryos for research purposes and destroy them or implant them, I say you are going across the line. I don't care what your motives are. I don't care whether it is profitable. I don't care what you think might come out of it. At this point we are saying, "No, you cannot cross the line."

Mr. President, that is what this debate is all about. I believe that we may have an opportunity, if discussion continues, to bring this debate to a close. At such time I will be back on this floor to say, if you want to allow the scientific community and some people with different sets of standards and different sets of judgments to go ahead and attempt to create human embryos by cloning by a somatic cell nuclear transfer, go ahead and support the extended discussion. Vote no against cloture. But, by doing so, you are providing a green light. You are saying, go ahead and use this technique that I believe is unacceptable and should be made illegal in this country as it is in the United Kingdom, Germany, Canada, and many of the other developed and leading countries in the world.

Mr. President, I appreciate very much the Senator from California allowing me to explain what the bill is and what it is not. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Missouri. I appreciate his comments. And I must tell him that in the main I agree with him.

We have submitted an alternative bill to Bond-Frist. It is Feinstein-Kennedy.

I am opposed to human cloning. I believe human cloning is scientifically dangerous, it is morally unacceptable, it is ethically flawed, and we should outlaw it. That is not the issue.

The issue is we are dealing with a complex subject. The bill at hand is a bill that uses words and does not define those words. There is the rub.

So the issue here today is whether we go ahead and ramrod through legislation with virtually no consideration by this body, legislation that would impose a permanent ban forever with prison terms of up to 10 years, and we will not understand fully what that bill will do. That is why the medical and the scientific research community have asked us to proceed with caution.

Let's say that you don't believe me. Would you believe the Biotechnology Industry Association representing the entire biotechnology community? Let me quote from page 4 of their 9-page statement to us.

The current Bond bill goes beyond cloning because it does not define the term "somatic cell" or limit to cases where the DNA is identical. It only defines the term "somatic cell nuclear transfer," but it does not define the term "somatic cell." We need a brief glossary of terms to define what constitutes a "somatic cell."

"Zygote" means a single celled egg with two sets (a diploid set) of chromosomes as normally derived by fertilization;

"Egg" and "oocyte" mean the female gaméte;

"Gamete" means a mature male or female reproductive cell with one set (a haploid) set of chromosomes;

"Sperm" means the male gaméte;

"Somatic cell" means a cell of the body, other than a cell that is a gaméte, having two sets (a diploid set) of chromosomes;

Here is the point.

So a "somatic cell" is any cell of the body other than a gaméte, and it includes a fertilized egg. This means that the current Bond bill would make it a crime to use somatic cell nuclear transfer even in cases where the somatic cell contains a nucleus derived from sexual reproduction, which is obviously not cloning. This means that even though the nucleus is not a clone, the current Bond bill makes it a Federal crime to create it. This means that the current Bond bill goes beyond the issue of cloning.

Because of this coverage of all "somatic cells" the current Bond bill would make it a crime for doctors to use a currently effective treatment for mitochondrial disease. In this treatment women who have the disease have an extreme and tragic form of infertility. The disease is a disease of the mitochondria, which is an essential element of any egg. The treatment for this disease involves the use of a fertilized nucleus which is transferred through the use of somatic cell nuclear transfer to an egg from which the nucleus has been removed. The new egg is a fresh, undiseased egg. The current Bond bill would make it a crime to provide this treatment even though the nucleus which is transferred is the product of fertilization, not cloning.

This is the Biotechnology Industry Association's statement.

It goes on into other areas that would be prohibited. But let me say what I think the major problem here is.

The key terms in this bill are undefined, and the full scope of the bill is unknown by anyone in this body. It is just 48 hours old. We don't understand the impact of it. The bill is not ready for rushing to the full Senate for immediate consideration.

The Bond-Frist bill fails to define the following terms: somatic cell, oocyte, embryo, and preimplantation embryo.

These are all technical, scientific, state-of-the-art terms that need definition. The bill actually drops the definitions that were in earlier versions of it.

Undefined key terms will chill vital medical research and treatment. The medical and scientific community has overwhelmingly stated that this bill would chill important scientific and health research. The bill criminalizes that research. Scientists will refuse to do that research. Venture capitalists will refuse to fund it when faced with possible prison terms.

The Bond bill bans somatic cell nuclear transfer technology, and, as a result, the Bond bill may ban production of genetically identical tissues for treatment of disease and transplantation, including blood cell therapies for diseases, such as leukemia and sickle cell anemia; nerve cell therapy for neurodegenerative diseases such as Alzheimer's, Parkinson's and Lou Gehrig's; multiple sclerosis; nerve cell therapy for spinal cord injury; insulin transplants for diabetes; skin cell transplants for severe burns; liver cell transplants for liver damage; muscle cell therapy for muscular dystrophy and heart disease; and cartilage-forming cells for reconstruction of joints damaged by arthritis or injury.

Let me say what I think the problem is.

Senator KENNEDY and I have another bill. We approach this differently. Rather than banning all somatic cell nuclear transfer, period, the end, we say you can't use this technology if you are going to implanting it in a human uterus. You cannot grow a baby by implanting it in a human uterus.

Let me restate that.

You cannot grow a baby using this technology unless it is implanted in a human uterus. I have confirmed that, to my knowledge, scientifically at this stage, there is no way of doing it. However, you can use this somatic nuclear cell transfer for the tissue research, the other areas of research that I am talking about. Once you ban the technology, you cannot use it for these other areas of research.

That is why we feel that the place to ban it is with implantation in the female uterus or womb. That stops the production of a baby. It is dangerous. It took 277 implants in Dolly before they got it to work. And there is a lot we do not know about the procedure. It is terribly dangerous because you are taking a cell at a certain degree of maturity, not an infant cell. You are taking a mature cell, and you don't know what the impact of that cell is going to be on developmental disabilities and the rest of human development.

So scientifically it is dangerous to clone a human. Morally, we say it is unacceptable, and there are a lot of reasons for this: Who would clone? What rules do you set up in cloning? Do you permit the cloning of Adolf Hitlers and the other less favorable characters of history, history past and history future.

So there are many, many questions to discuss. I think everyone in this body believes that human cloning should be made illegal, but we should not attack the technology from which so much good can come. For example, using this technology scientists believe that it will be possible to treat third-degree burns, to provide skin grafts because the DNA would be the same. We may that be able to clone their skin, grow that skin and transfer that skin without rejection. The same thing may be true of diabetes, and particularly in juvenile diabetes which is so recalcitrant and so difficult to handle.

This technology may offer a cure. And with respect to cancer, this technology is what is used in the mass production of anticancer drugs. It would stop all of this particular technology.

So the key is not to stop the technology. The key is to stop the implantation of the embryo produced by this technology in a human uterus. That is what we do in our bill. And that is why I can say virtually all of the scientific community supports Feinstein-Kennedy and opposes Bond-Frist.

Now, I am aware of the fact our staffs met earlier this morning. We all want the same thing. Let me beg this body, do not do something in a rush that is going to mean one day someone is not going to have a cure for cancer or diabetes or somebody lying in a burn unit at St. Francis Hospital in San Francisco or anywhere else is not going to make use of this technology to produce tissue that the body will not reject.

That is really the issue. Why does this have to be done in 48 hours? The FDA says it will prevent human cloning. Why are we rushing to do something and use terms like somatic cell and we do not define in the legislation what a somatic cell is. How many people do we condemn to death because we shut off research because anybody

that does any research will have a 10-year Federal prison sentence, a 10-year Federal prison sentence if you do research on somatic nuclear cell transfer to try to develop a skin graft for a third-degree burn that will not be rejected?

That is essentially what we are talking about here today, Members of the Senate. The Bond bill additionally could ban noncloning treatments for diseases carried in the cytoplasm. The cytoplasm is the nonnuclear material in a cell. So parents whose children inherit cytoplasmic diseases can have healthy children by using a variation on somatic cell nuclear transfer. This isn't cloning. It is curing a disease. And I am as sure as I am standing here the Bond-Frist bill bans this kind of therapy.

So let's have hearings. These bills should go to committee and be considered thoroughly. Let's have the biotechnology community testify. Let's have the scientific community testify. Let's have a glossary of terms that we all agree upon. And let's put those definitions into a bill. Yes, let's ban human cloning. Let's say you cannot implant a uterus with somatic cell nuclear transfer. Then there are no babies. Then there is no human cloning. But the rest of the research, research to cure diseases, can move ahead.

I am aware of the fact that the distinguished Senator from Florida is in the Chamber and may wish to make a statement. If I could regain the floor, I would be happy to yield to him for the purpose of that statement.

Mr. BOND. Mr. President, I think there are others in the Chamber as well. I do not believe that we have any agreement at this time to go back and forth with proponents and opponents. The Senator from California has the floor, and if she wishes to yield I suggest the Senator from New Hampshire has been here for some time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from California has the floor.

The Senator from California.

Mrs. FEINSTEIN. Yes, I would like to continue if I can then, and if there is any message that I might be able to deliver on behalf of the distinguished Senator from Florida, who probably knows more about research into areas involving cancer than many of us in this body, I would be happy to deliver it for him.

I say to the distinguished Senator, I do not want to yield the floor and lose the floor because it is my intention to slow down Senate consideration today in this rushed manner in hopes that we will be able to send it to committee, have a hearing and follow the normal deliberative process, including sending it back to the Senate soon for thoughtful consideration.

Mr. MACK. I wonder if I might——

Mrs. FEINSTEIN. I am afraid to yield the floor because I may well lose the floor and not get it back again. So I will continue, if I may.

Mr. President, just yesterday, Dr. J. Benjamin Younger, the Executive Director of the American Society For Reproductive Medicine, wrote:

> I urge you and your colleagues to carefully consider any human cloning legislation and to proceed through the proper legislative channels so that a sloppily drafted bill does not get passed and sentence millions of Americans to needless suffering.

Mr. President, once again, I say we should not charge ahead at full throttle on a bill that legislates issues as profound as those surrounding human cloning. There is simply too much at stake.

I would like to give you just a quick side-by-side comparison of the two bills under consideration that ban cloning, Bond-Frist and Feinstein-Kennedy.

Feinstein-Kennedy, as I have said, bans the implantation of the product of somatic cell nuclear transfer into a woman's uterus. It makes unlawful the shipping of the product of somatic cell nuclear transfer in interstate or foreign commerce for the purpose of implanting into a woman's uterus. And it prohibits the use of Federal funds for implanting the product of somatic cell nuclear transfer into a woman's uterus. I recognize that is current in the fiscal year 1998 appropriations law, but we reinforce it in our bill.

The Bond bill, as I understand it, bans human somatic cell nuclear transfer period. It is defined as taking the nuclear material of a human somatic cell and incorporating it into an oocyte from which the nucleus has been removed or rendered inert and producing an embryo, including a preimplantation embryo. Again, it defines none of these terms. And it makes unlawful the importation of an embryo produced through human somatic cell nuclear transfer technology. It is silent on the use of Federal funds, probably because the authors know that a prohibition on human embryo research is already in place.

The length of the ban in our bill is 10 years. It is a permanent ban in the Bond bill.

The reason it is a temporary ban or a moratorium of 10 years is largely because a voluntary moratorium has been put in place by the entire American scientific community, and to the best of my knowledge, what they were requesting was a 5-year moratorium which the President's bill contained. We felt the 5-year moratorium was too short. We prefer the longer period so that it can be reviewed at the end of 10 years.

The Feinstein-Kennedy bill protects and allows biomedical and agricultural research on practices which are not expressly prohibited. That would include research or practices involving somatic cell nuclear transfer or cloning technologies, mitochondrial, cytoplasmic or gene therapy or somatic cell nuclear transfer to create animals. We do not interfere with that. The Bond bill protects or allows areas of scientific research not specifically prohibited. It is silent on mitochondrial, cytoplasmic or gene therapy. And that is part of our problem here, and that is one of the reasons why we think it needs to go to committee and we need to know at the end of the hearing exactly what it is we are doing.

On the issue of a national commission, Feinstein-Kennedy authorizes the current National Bioethics Advisory Commission for 10 years, from the date of enactment. The current commission terminates in 1999. Our bill would continue it and we require reports and recommendations from the commission in 4½ years and in 9½ years. The Bond bill would establish a new national commission to promote a national dialogue on bioethics of 25 members appointed by the Senate and House majority and minority leadership by December 1, 1998, to conduct a discourse on bioethical issues, including cloning, and to report to Congress by December 31, 1999 and annually thereafter.

On the issue of penalties, the Feinstein-Kennedy bill has a civil penalty of $1 million or three times the gross pecuniary gain or loss resulting from the violation, in other words, a very stringent civil penalty. If an individual uses somatic cell nuclear transfer and implants the product into a woman's uterus, we subject that individual to forfeiture of any property derived from or used to commit a violation or attempted violation. This would get at the lab or hospital where an implantation into a human uterus would take place. Obviously, it has to be done somewhere, and I think this is in a sense a fail-safe major penalty because that entire lab could be forfeited.

The Bond bill has 10 years in prison or a civil penalty if pecuniary gain is derived of not more than twice the gross gain or both. We think 10 years in prison, when definitions are not included to clearly show what we are talking about, 10 years in prison for someone who might use somatic cell nuclear transfer to create the DNA in a cell that could produce a skin graft or another tissue culture, a skin graft that would heal a burn patient, that that individual should not be subject to 10 years in prison.

On the issue of preemption, there is a difference between the two bills as well. Feinstein-Kennedy preempts any State or local law that prohibits or restricts research or practices constituting somatic cell nuclear transfer, mitochondrial or cytoplasmic therapy or the cloning of molecules, DNA cells, tissues, organs, plants, animals or humans. So, we would set a national

standard so that the States could not pass legislation and say it's OK to insert a somatic cell in a woman's uterus. We preempt the area.

Internationally, there are some differences in the two bills, too. Feinstein-Kennedy has a sense of the Congress that the President should cooperate with foreign countries to enforce mutually supported restrictions. The Bond bill has a sense of the Congress that the Federal Government should advocate for and join an international effort to prohibit the use of human somatic cell nuclear transfer technology to produce a human embryo.

I think we could easily come to agreement on many of these, particularly this last one. I think we want the same thing.

The major difference is that the Feinstein-Kennedy bill would allow the technology to proceed in medical research as long as it does not involve human cloning.

Mr. President, the successful cloning of a sheep——

Mr. GREGG. Will the Senator from California yield for a question?

Mrs. FEINSTEIN. I will be happy to yield.

Mr. GREGG. Will the Senator entertain a unanimous consent request that I be allowed to speak without taking the floor from the Senator, so the Senator can regain the floor after I finish speaking? I will not offer any amendments.

Mrs. FEINSTEIN. I will be happy to, again, if I can regain the floor.

Mr. GREGG. I ask unanimous consent I be allowed to speak for 5 minutes and at the end of the statement the floor return to the Senator from California.

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

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from California because I wish to address this issue, also. I, unfortunately, have a meeting that starts at 1 o'clock.

Mr. President, I think we are all actually concerned about the issue of human cloning, and certainly the representations by the doctor from Chicago who stated he intends to pursue a course of commercializing human cloning has caused us to need to accelerate addressing this as a public policy matter. It is appropriately an issue that should be addressed at the level of the Congress of the United States. It should be spoken to by the people's representatives and not left to a regulatory environment such as the FDA for a determination, because it is a matter of dramatic import to our culture and to our scientific community.

There is no question but that the concept of cloning a human is unethical, inappropriate and wrong. We don't have to delve very far into the history of this century to see the horror that can result from a society which allows itself to pursue a course of creating humans or designing a human race not based on God's will but based on the determination of a political decision or a scientific community. Obviously, the Nazi government, in its seeking of a master race, represents one of the true horrors of the history of mankind.

So, the need to debate the issue of whether or not humans should be cloned I think is not necessary. There should be and I believe there is almost unanimity on the need not to allow human cloning to go forward in our society or any other civilized society. I think it is interesting to note that the European Community has also banned human cloning. The question becomes how should we proceed and whether we should proceed with a bill that has been designed by Senator BOND, Senator FRIST and to some part myself, or whether we should proceed in some other manner. I for one strongly support the initiative that is put forward by the bill which we are presently considering because it addresses the core issue of human cloning, which is the creation of an embryo through the process of somatic cell nuclear transfer. That is really the question here.

In order to clone a human, you produce an embryo and as a result you get a human if you follow the next scientific steps. What we have done is limited dramatically and really focused the question specifically on the necessary scientific acts to produce a cloned human and then said, "No, you cannot proceed in that direction." That is the way it should be addressed.

This bill was structured in order to respond to the very legitimate concerns of the scientific community for further research in all the areas the Senator from California has outlined. This bill does not, in my opinion, in any way limit the research into those areas because this bill is purely directed at the embryo issue and the creation of a cloned human being as a result of taking that step. The scientific issues are further protected by the commission which is in this bill, which says essentially that we have in place, or will have in place, a bioethical commission which will be able to evaluate science as it evolves and make a determination as to when science needs to have more leverage or needs to have more flexibility and then can come to the Congress and say what changes should occur in order to allow for that flexibility. So there is in place a commission which is not only scientifically based but is theologically based and which is politically based, in the sense that it represents, not politicians, but the community at large and which will have the capacity to review what is happening in the area of cloning technology so that we can stay ahead of the curve and be sure we are not limiting the scientific experience and expansion in this very critical area.

So this bill allows for cloning in the area of agriculture and it allows for cloning in the area of animal husbandry. It also allows for cloning for the production of organs. It allows for cloning in stem cell research technology. It allows for cloning in a whole variety of places. Where it does not allow cloning is in the production of a human being, and that is what we should be saying. As a matter of ethics, as a matter of policy, as a matter of a nation which must stand up and define its purposes and ideas, we should be saying humans shall not be cloned.

I yield my time.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I know there are others on the floor. The distinguished Senator from Texas and my friend and colleague from Massachusetts wished to speak on this issue. I would just like to wrap up very rapidly.

This whole issue was really galvanized with the cloning of the sheep Dolly. Let me reinforce the fact that it took 277 attempts before this cloning was successful. The impact of the cloning is not yet known.

The second point is that the science is such that huge disabilities, real problems can result from human cloning. It is unsafe.

And my third point is, the circumstances to not require us to rush. Chicago physicist Dr. Richard Seed propelled the debate into full force last month when he told the media that he intended to clone human beings. And he said that there were 10 clinics in the United States interested in offering cloning services and that he believed the demand would be for 200,000 cases per year. That's according to the American Medical News.

Since that time, as you know, the scientific community itself has exercised a self-imposed moratorium on human cloning. I know of no legitimate lab, hospital, or facility that will permit human cloning today. I also would like to add that the FDA has said that they are asserting jurisdiction in this area and will not permit human cloning. So I respectfully submit to those who feel there is time pressure that forces us to proceed to the Senate today, that is not correct. There is time for us to take time to consider this issue, to hear the testimony, to go over the scientific terms, to really debate whether the Feinstein-Kennedy approach or the Bond-Frist approach or perhaps a third or fourth approach is the right way to go.

So I would like to end my comments today, Mr. President, by thanking you for your discretion and by appealing to the majority side of this body. You have an opportunity to do some good. But you also have an opportunity to do enormous harm that could cost tens of

thousands of lives needlessly if we do not legislate carefully. So let's do it right.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might speak for 10 minutes as in morning business.

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

THE HIGHWAY TRUST FUND

Mr. GRAMM. Mr. President, I wanted to talk today on the same subject Senator BYRD spoke on earlier and that Senator CHAFEE also spoke on earlier. Without getting into a debate with Senator CHAFEE, I want to respond to a couple of things he said.

I want to remind my colleagues that in the American system of Government, we have a series of dedicated revenues where we collect specific taxes and fees and we tell the American people that those taxes or those fees are dedicated to a specific purpose. When you go to a filling station, if you live in a State that has banned the little clip that holds the nozzle in the "on" position so you have to stand there while it's pumping gas into your car or your truck, I am sure that you have read the sign on the gasoline pump. It basically says, if you wanted to reduce it down to good news and bad news, that the bad news is that a third of the price that Americans are paying for gasoline is taxes. But the good news is every American is assured on every gasoline pump in America that those taxes are going to build highways. Virtually every American in this era of self-service has read that sign on the gasoline pump, the bad news and the good news.

The problem is, the good news is not true. The bad news is sure enough honest to God true. But the good news is not true. Today, on average, somewhere between 25 cents and 30 cents out of every dollar of gasoline taxes is not spent on roads. So that when we tell the American people that the gasoline tax is a user fee for roads, as is often the case in Government, we are not totally leveling with the American people.

Senator BYRD and I would like to partially change that. I want to explain exactly what we are doing. As my colleagues will remember, in 1993, for the first time in American history, the President pushed through Congress a permanent gasoline tax, 4.3 cents per gallon, that was not dedicated to the highway trust fund, and every penny of it was spent by Government on a broad array of projects and programs, none of which had anything to do with highways. You will remember that I offered an amendment in the Finance Committee that was adopted by the Senate, ultimately adopted by the conference, voted on in the House and Senate, signed into law by the President, that took that 4.3-cent-a-gallon tax on gasoline away from the general revenue and put it in the highway trust fund, where it belongs.

We now are looking at a situation where, if we don't take action to allow a competition where those of us who believe that, relatively speaking, we are spending too much on many programs and not spending enough on highways, we are going to have a situation where the trust fund could rise to almost $80 billion, where we have collected $80 billion between now and the end of the highway bill that should be before the Senate today. We will have collected $80 billion, telling people the money was going to highways, and, yet, every penny of it will have been spent on something else.

Senator BYRD and I have said that that is not honest. Senator BYRD and I have said that our amendment, basically, has to do in part with honesty in Government.

Our dear colleague from Rhode Island has said that this has something to do with the budget surplus, or at least has talked about surpluses in the trust fund and the budget in such a way that people might get confused between the two. So I want to make it very clear what the Byrd-Gramm amendment does and what it does not do. In fact, anybody who wants to read the amendment can understand exactly what it does, because it is a very simple amendment.

Basically, what the amendment says is this: We have put the 4.3 cent a gallon tax on gasoline into the trust fund. We had a surplus of $23 billion that had already been collected to build roads but has been spent on something else. What Senator BYRD and I are saying, in essence, is, all right, we ought to get that money back. Fairness would dictate it goes to roads. It was collected for that purpose.

An analogy I have used is that it is like a rustler has come out and has been stealing your cattle and you catch him. Senator BYRD and I called the sheriff and the sheriff has come out and arrested this rustler. Being benevolent, we have said two remarkable things. No. 1, we are not going to hang you, and, No. 2, we are not going to make you give any of the cattle back that you have already rustled. All we are saying is stop rustling our cattle. What you have already taken from the highway trust fund and spent on other things, go and sin no more.

Their response is, "Well, it's great to spend money on highways, but where"—going back to my rustling analogy—"where are we going to get our beef? If we can't raid the highway trust fund to fund other programs of Government, just where are we going to get our money?"

That's not my problem. We have Members of the Senate who were looking at that $80 billion and saying, "Great, if we can prevent that from being spent on highways, we could spend it to pay arrears of the U.N. dues, we could spend it on social programs, we could give it to the Legal Services Corporation, we could do all kinds of things with it." So they are not happy that Senator BYRD and I want to allow the money to be spent on highways.

After, basically, raising the concern that they are going to be disadvantaged because they wanted to spend the money in inappropriate ways, now they are trying to say that Senator BYRD's amendment and my amendment would bust the budget. It is not so. Our amendment does not raise the spending caps in the budget. Our amendment does not provide any authority or mandate or excuse for violating the budget agreement we reached last year. All our amendment says is this: You are collecting this money in gasoline taxes. You are telling people that you are spending the taxes to build roads. At least allow those who want to deliver on what you are promising the American people the right to compete in the appropriations process with every other program of the Federal Government.

The answer for those who don't want the money spent on roads is, don't bring up the highway bill; wait and vote on this as part of the budget. Now here is what they hope to do. They hope to convince some of our Democratic colleagues that if they let the highway trust fund be spent on highways, that there is strong support for building new roads, which the country desperately needs and, after all, we said the money was being spent for it when we collected the gasoline taxes. So they are worried that we will build roads or they are going to argue that we will build roads and that will take money away from other programs, so if you want other programs, you don't want to build roads.

They are going to try by getting this all involved in the budget so it can be commingled with President Clinton's proposal to increase spending by $130 billion and bust the caps. They are hoping to convince Republicans that our proposal is no different than the President's proposal.

The truth is, all we are asking is that money collected in gasoline taxes for highways be authorized to be spent on highways, and then we have to have competition for available money. And under the budget, if we spend the money on roads, obviously, we are going to have to set priorities, and every Member of the Senate will have to make those decisions.

But this is not a budget issue. We are not talking about breaking the spending caps. This is an issue about highways. Let me tell you why it is critically important.

The current highway bill ends on May 1. It is highly unlikely that we will get another extension of the highway bill. Construction projects on roads and highways all over America are going to come to a screeching halt on May 1. In my part of the country, which is more blessed by God than others, we have long building periods where people can construct through a long spring and summer and fall and actually, for all practical purposes, build year round. But in many States of the Union, they have a 3- or 4-month window when they have to build highways.

So if we follow the prescription of the people who don't support building more roads, who want to spend the highway trust fund on other things, we are going to delay, and by delaying, we may get no highway bill, the States in the northern part of the country may lose their whole building window within this year and, finally, people need to make plans. They need to hire workers. They need to buy capital equipment. We have major highway projects that are partially completed, so we have tied up all this money in building new interstates and new bypasses, and the States, if we are forced to stop construction, will get no use out of those projects.

So I want to urge the majority leader to bring up the highway bill and bring it up next week. I want to make it clear to my colleagues, I will not support breaking the spending cap. I would not author an amendment that broke the spending cap. Our amendment does not raise the spending cap, and that is not what the Senator from Rhode Island is worried about. He is worried that we won't break the spending cap and that highways will compete money away from other programs. Well, I am not worried about that. That is exactly what I want to do, and I think it is the right thing to do. We have 51 cosponsors. We would love to have more.

I thank the Chair for the Chair's indulgence, and I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. KENNEDY. Mr. President, earlier today, a request was made to consider the cloning legislation that had been introduced by my friend and colleague, Senator BOND. Objection was made to the consideration of that legislation by the Senator from California.

I want to just indicate to our Members that I think Senator FEINSTEIN was quite right to file that objection. Many of us who are on the Labor Committee believed we would be debating the Satcher nomination this afternoon. It is an enormously important matter that has been delayed too long. We have an outstanding nominee. In fairness, we should be continuing that debate today. The leadership has decided to move on to this cloning legislation.

I believe that this legislation that is being proposed is one of the most important scientific and ethical issues of the 21st century. The legislation itself was introduced 2 days ago. It was put on the calendar 1 day ago. It has not received 1 day of committee hearings. It has not received 1 minute of committee markup. This legislation is a matter of enormous significance and importance to the research communities all across this country and they understand that this legislation does not only impact human cloning.

As the research community has pointed out, technologies that would be banned under Senator BOND's bill offer the key for reaching resolution of a number of very important diseases: Cancer, diabetes, birth defects, arthritis, organ failure, genetic diseases, severe skin burns, multiple sclerosis, muscular dystrophy, and spinal cord injuries. Stem cells may be the key to reproducing nerve cells, which is not possible today, and other cells that may be used to treat Alzheimer's disease, Parkinson's disease, Lou Gehrig's disease. The major researchers in every one of these areas oppose strenuously the Bond legislation because they believe that it will provide a significant barrier to meaningful progress in a number of promising research areas.

I will be delighted to discuss these issues, as Senator FEINSTEIN believes we should, in a timely way so that we can at least have an opportunity to consider these measures in the committee and report those out.

Therefore, I join Senator FEINSTEIN in objecting to the consideration of cloning legislation at this time. We have introduced legislation of our own on this subject. We hope that the Senate will consider it in due course, and that we can work out an acceptable compromise on this issue to give it the careful action it deserves. A rush to enact bad legislation on this subject would be far worse than passing no legislation at all. Every scientist in America understands that, and the American people should understand it, too.

Several months ago, the world learned of one of the most astounding developments in modern biology—the cloning of a sheep named Dolly. This incredible scientific achievement awakened widespread concern about the possibility of a brave new world, in which human beings would be made to order and where individuals would seek to achieve a kind of immortality by reproducing themselves. There is widespread agreement among scientists, ethicists, and average Americans that production of human beings by cloning should be prohibited.

The President reacted rapidly and responsibly to this scientific advance and the unprecedented issues it raised by asking the National Bioethics Advisory Commission to study the issue and make recommendations. The Commission recommended that creation of human beings by cloning should be banned for at least five years, and the Administration has submitted legislation to implement this recommendation.

The legislation that Senator FEINSTEIN and I have introduced will assure the American public that reproducing human beings by cloning will be prohibited. It follows the President's legislation and the recommendations of the Commission. It makes it illegal to produce human beings by cloning, and establishes strict penalties for those who try to do so.

If the legislation the Majority Leader is seeking to call up achieved this objective, I believe that it would be passed unanimously by the Senate. Unfortunately, it goes much farther. It does not just ban cloning of human beings, it bans vital medical research related to cloning—research which has the potential to find new cures for cancer, diabetes, birth defects and genetic diseases of all kinds, blindness, Parkinson's disease, Alzheimer's disease, paralysis due to spinal cord injury, arthritis, liver disease, life-threatening burns, and many other illnesses and injuries.

All of these various kinds of research have broad support in Congress and the country. A blunderbuss ban on cloning research would seriously interfere with this important and life-saving research, or even halt it altogether. Scientists, physicians and other health professionals, biotechnology companies, pharmaceutical companies, and citizens and patients working with organizations such as the Cystic Fibrosis Foundation, the Parkinson's Action Network, the AIDS Action Council, the American Diabetes Association, and the Candlelighter's Childhood Cancer Foundation understand this. The Senate should understand it, too.

Let me read from a letter signed by the organizations I have just cited and many others as well and sent to members of Congress on January 26, 1998. The participating organizations said, "We oppose the cloning of a human being. We see no ethical or medical justification for the cloning of a human being and agree . . . that it is unacceptable at this time for anyone in the public or private sector, whether in a research or clinical setting, to create a human child using somatic cell nuclear transfer technology."

But they go on to say, "Poorly crafted legislation to ban the cloning of

human beings may put at risk biomedical research."

They point to a long list of diseases where cloning research could be critical, including cancer, diabetes, allergies, asthma, HIV/AIDS, eye diseases, spinal cord injuries, Guillain-Barre syndrome, Gaucher disease, stroke, cystic fibrosis, kidney cancer, Alzheimer's disease"—the list goes on and on.

They conclude: "We urge the Congress to proceed with extreme caution and adhere to the ethical standard for physicians, 'first do no harm.' We believe that there are two distinct issues here, cloning of a human being and the healing that comes from biomedical research. Congress must be sure that any legislation which it considers does no harm to biomedical research which can heal those with deadly and debilitating diseases."

These are reasonable tests for legislation in this important area. First, do no harm. Proceed with extreme caution. No one can pretend that the legislation the Majority Leader is seeking to call up meets these tests?

Proceed with extreme caution! The Majority Leader's legislation was introduced on Tuesday of this week. There has not been a single day of hearings held on it. Not one single day. I doubt that more than a few members of this body have even had the opportunity to read the legislation.

Many of our offices have been deluged with calls from health organizations, scientific bodies, and individual scientists and physicians who are seriously concerned about the damage this bill may do to fundamental research and to possible discovery of long-sought cures for dread diseases. Within a few days, we will have dozens if not hundreds of distinguished scientific bodies and disease societies expressing their opposition to this bill in its current form. As far as I know, there is not a single major scientific body of any stature that has endorsed this legislation.

What is the rush? What is the rush? It is not as if, despite the absurd publicity given to Richard Seed, a baby will be cloned tomorrow. To quote again from the letter I cited earlier, "The American Society for Reproductive Medicine, the Biotechnology Industry Organization, and the Federation of American Societies of Experimental Biology have all stated that their members will not seek to clone a human being. These three associations include essentially every researcher or practitioner in the United States who has the scientific capability to clone a human being."

It is also important to recognize that the Food and Drug Administration already has broad jurisdiction over human cloning, and would act vigorously to shut down any clinic that operates without FDA approval. Such approval depends on a finding that human cloning is safe and effective. But given the current state of science, no human cloning procedure could possibly be called safe at this time. The FDA approval process is not a permanent ban on human cloning, but it effectively bans the procedure for the near future.

So we have a situation where the procedure is not yet perfected, where the scientists who are competent to clone a human being say that they will not do it, and where the FDA already has the legal tools and responsibility to prevent it. We do not need to act today—and we should not act today—because this bill goes far beyond the simple prohibition of the creation of a human being by cloning.

The sponsors of this legislation state that all they want to do is ban cloning of a human being and that they do not want to interrupt important research. But their bill goes far beyond that, and it does not deserve to pass.

This bill would clearly interfere with medical research that offers hope for a cure of many deadly diseases. A letter I received two days ago from leaders of the Society for Developmental Biology states: "As active researchers in developmental biology, we understand the implications of the Dolly cloning results for basic science and human health." These techniques are essential for basic research because, as the letter goes on to say, "Many diseases, including heart disease, diabetes, and neurodegenerative diseases (such as Parkinson's Disease) involve the depletion or destruction of a particular cell type. One of the great hopes in medicine is to learn ways to replace the lost or damaged cells, for example by stimulating the body to regenerate its own missing cells or by growing the cells in culture and providing them to patients. The main obstacle is that most of the needed cell types cannot be grown in culture, nor can their growth be stimulated in any known way. Dolly was grown from the nucleus of an adult cell, proving that the genetic material of an adult body cell can be reprogrammed by the egg to restore the genetic potential for specializing into all possible cell types. Basic research on genetic programming will likely lead to novel transplantation therapies for numerous human diseases. In essence, we all carry in our cells a library of all the information needed to build a healthy human, and Dolly proves that the information can be reactivated and used again. What are the implications? For example, instead of diabetes meaning a lifetime of insulin injections accompanied by serious side effects, perhaps we can learn how to cause the reactivation of pancreas development genes and the regeneration of the missing cell types. Such exciting ideas are no longer far-fetched."

The key ingredients of this research offer great hope. DNA from an adult cell is placed in an egg cell that has had its own DNA removed. The egg cell then begins to grow and divide under the instructions of the adult cell DNA. The procedure involves what is called "somatic cell nuclear transfer technology." In the case of Dolly, the technology was used to create a sheep embryo from an adult sheep cell. The embryo was implanted in the womb of the female sheep and ultimately resulted in the birth of a baby sheep named Dolly.

The legislation that Senator FEINSTEIN and I have introduced makes it illegal to implant a human embryo using this technique in a woman's womb. Without that, no baby, no human being can be created by current cloning technology. This is what Dr. Seed says he is going to do. This is what most ethicists oppose. This is what the American people want banned—and our legislation will do it.

But the bill proposed by the Majority Leader will go much farther. It will block this new technology in all other cases as well. It will make it impossible to carry out the research that the overwhelming majority of scientists and researchers say is so important. It will make it impossible to use this new technology to grow cells that can be used to cure diabetes or cancer or Alzheimer's disease or spinal cord injury.

The Majority Leader's bill—page 2, line 13, paragraph 301 is entitled, "Prohibition on cloning." It is the heart of the bill. It states, "It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, to use human somatic cell nuclear transfer technology." That is the end of the statement. It does not just ban the technology for use in human cloning. It bans it for any purpose at all.

That means scientists can't use the technology to try to grow cells to aid men and women dying of leukemia. They can't use it to grow new eye tissue to help those going blind from certain types of cell degeneration. They can't use it to grow new pancreas cells to cure diabetes. They can't use it to regenerate brain tissue to help those with Parkinson's disease or Alzheimer's disease. They can't use it to regrow spinal cord tissue to cure those who have been paralyzed in accidents or by war wounds.

Congress should ban the production of human beings by cloning. We should not slam on the brakes and halt scientific research that has so much potential to bring help and hope to millions of citizens. As J. Benjamin Younger, Executive Director of the American Society for Reproductive Medicine, has said:

"We must work together to ensure that in our effort to make human cloning illegal, we do not sentence millions of people to needless suffering because research and progress into their illness cannot proceed."

Let us work together. Let us stop this know-nothing and unnecessarily destructive bill. Together, we can develop legislation that will ban the cloning of human beings, without banning needed medical research that can bring the blessings of good health to so many millions of our fellow citizens.

I bet you could take the legislation that we are talking about here, and I bet there aren't three Members of this Senate who have read this legislation. They could not. It was just out yesterday. And most of the Members have been involved in the various other measures. And we are being asked to vote on it. No committee, no explanation, absolutely none that is going to affect very, very important research.

That is not the way that we are going to try and move on into the next millennium, which is really the millennium of the life sciences. As science, as chemistry and physics have been in our past history, life sciences are going to be the key to the next millennium. And we want to make sure that we are going to meet our responsibilities and our opportunities in a way that is going to bring credit to the kind of research and can help make an enormous difference to families all over this country and really all over the world.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak, hopefully in part at least, to clarify where we are today in terms of a bill which is enormously important to all of us, to our families, to our children, to health care, to medical science. It is a bill that has been talked about in the context of cloning, of human cloning. For the past year—not on the specifics of the bill—no, but there has been debate in the past year about whether or not today, in 1998, our society is ready to clone, or have mass production, of cloned human individuals.

My distinguished colleague from Massachusetts just spoke to the importance of science, and of protecting scientific discoveries that will contribute to health care for the next generation. As a scientist, let me say at the outset that I could not agree more wholeheartedly with the commitment to not slowing down science in its efforts to improve health care.

I say this, and I will qualify my statement by saying that we have to today consider the ethical implications that surround scientific discovery. We must consider the ethical ramifications that might—in certain very narrowly defined and specific arenas—tell us to stop, tell us to slow down before we jump or really leap ahead—into the unknown. This would have huge moral and ethical implications, not just in how we deal with each other as individuals, but also in terms of how we deal with each other globally. This is because we are talking about affecting the overall genetic pool as well as the psychosocial implications of how we are defined as individuals.

This does need to be addressed. It is going to take an ongoing dialogue. We cannot—cannot—answer all the questions here in this Senate Chamber or in the U.S. Congress. It does take the overall debate of "What are the ethical limitations to various aspects of science today?" into the public square—where we can meet with scientists, lay people, bioethicists, people from the business community, theologians, and ethicists broadly.

We need to face that. And I mention that because this bill has not been brought to the floor formally. We have the objection. But I think it is important to understand what this particular bill does. It does two important things. No. 1, it establishes a commission, a bioethical commission which is composed of 25 people, a permanent commission that will look at the bioethical issues of new innovations, new science, new technology so that we do not have to debate every new breakthrough, every new technology which is coming with increasing frequency here in this Chamber.

This commission is to be comprised of 24 individuals. Subcommittees are set up in terms of ethics, medicine, theology, science and social sciences. It is broadly representative, not with politicians on it. In fact, there is an exclusion in there for putting politicians on it, but it will be appointed in a bicameral way by both sides of the aisle, broadly representative, with each member serving for 3 years, rotating members, with ongoing discussion.

There is no forum today for the American people to have the ethical, theological, scientific, social implications of this new technology discussed. And that is why this is striking such a strong chord here today. So some people say, "Why don't we run away from this? Why don't we just say," based on what I have just implied, "let's don't address it now. Let's wait until the future?"

Well, in truth, that is what has happened over the last year. We had a breakthrough. And it is a breakthrough using a specific technology which in a sheep—Dolly—really captured the attention of the world because it demonstrated for the first time that we are on the edge or on a precipice looking out to a type of science which we have never had to face before realistically, and that is the replication, the duplication of the human being.

How have we handled it? It is not like we have not talked about human cloning. Yet a lot of people will come forward and say we have not addressed this in this body or as a Nation.

As chairman of a subcommittee which is focused on issues of public health and safety, I can tell you that the subcommittee actually held two hearings. The first hearing was entitled "Examining Scientific Discoveries In Cloning, Focusing On Challenges For Public Policy." And that particular hearing was in March of last year. We had a number of people come forward. Again, this is for the benefit of my colleagues so they can go back and look at the testimony that was presented really aimed directly at the Wilmut experiment on Dolly, somatic cell nuclear transfer and its implications.

That discussion was begun back in March. Harold Varmus, who is Director of the National Institutes of Health, Public Health Service, U.S. Department of Health and Human Services, came and testified. His testimony is available, talking about this specific technique. Dr. Ian Wilmut talked before our committee in a public hearing. He is an embryologist at Roslin Institute in Edinburgh, Scotland. I had an opportunity to visit the institute there and view the type of research that is going on personally.

Dr. Wilmut's testimony has been presented to this body. I would encourage my colleagues to go back and look at that public hearing. We looked principally, at that particular hearing, at the scientific discoveries. But we wanted to hear from members of the National Bioethics Advisory Committee, or NBAC. The NBAC committee was eventually charged, over a 90-day period, to look at this issue of human cloning and to make recommendations. And we had Dr. Alta Charo, professor of law, University of Wisconsin, on behalf of the National Bioethics Advisory Commission testifying.

We also had John Wallwork, director of the transplant unit—transplantation, my field, has been mentioned on the floor today. And I hope to have a few comments on that shortly because I think we have to be very careful not to overstate what the bill, which has not yet even been discussed, does because it is easy to frighten people and say that this bill is going to shut down science in a field like transplantation. It does not do that. This bill is very, very narrowly defined and only in an arena which results in human cloning.

We held another hearing. And that hearing was entitled, "Ethics And Theology: A Continuation Of The National Discussion On Human Cloning." I mention this because, as a scientist, as a physician, as someone who has taken care of patients, and now as a U.S. Senator, I am going to come back to again and again that we do have the responsibility to look at the ethical implications of new innovations. That is what we are, trustees of the American people.

This hearing on "Ethics And Theology: A Continuation Of The National

Discussion On Human Cloning'' had witnesses, such as James Childress, again a member of the National Bioethics Advisory Commission, and also Edwin Kyle, professor of religious studies at the University of Virginia. We had Dr. Ezekiel Emanuel, a member of the National Bioethics Advisory Commission. We had a number of people testifying from the theological community as well.

I mentioned both of these hearings and the testimony therein for two reasons: No. 1, to help my colleagues and the American people know where they can reference certain material, and, No. 2, to demonstrate that the dialogue has been ongoing both in Washington, DC, in the U.S. Senate, in Congress broadly, but also on the public square.

We have heard some call for a private moratorium among the scientific communities. All of that seems pretty good until we recognize that it is not working. Just several weeks ago, we had a proposal by an individual, in essence, to set up an industry. The purpose of that industry is stated, not in these exact words, but that industry which is proposed is to clone human individuals.

I'm of course, referring to Dr. Seed. Can it be done? We don't know. We know that there is a certain technology that worked in an animal that, if a lot of people focused on that and there were a lot of experiments, could result in a human being. But the pronouncement that in spite of the moratorium, in spite of the discussions today, that we have an individual proposing the creation of an industry that is going to go charging ahead when we don't know the implications to society, to this country, to the world, is something that we must react to.

Tough issue. Ethics. We are talking about a procedure which has never been applied in the human arena. It has only been performed in animals. A lot of hypothetical examples will come to the floor. This bill addresses the problem that I just stated. We don't have a national forum now in which to intelligently, with broad input, discuss these ethical implications of new technology and new innovations and science. This bill, once it is allowed to be brought to the floor, very specifically sets up a mechanism outside of the U.S. Congress but broadly representative to be able to discuss these issues in a sophisticated, intelligent, ethical way. We need that mechanism. This bill creates that mechanism permanently.

The second thing that this bill does, it attempts to—and it is tough; I can tell you it is tough in terms of doing it just right, but the bill does it just right—it narrowly focuses on a particular procedure in the big world of science and research. It takes a very specific procedure that has never been even used in human cells in terms of creating embryos and says let's ban that procedure. Let's allow that procedure, even in animals, in the research arena, in cells. Let's learn more about that procedure so we will know what those implications are. But let's ban that narrow procedure when it is used to create a human being, another person.

Now, the advantage is by banning just that specific technique as it applies to human cloning, you can still continue experimenting with Dollys, bovine models, pigs, cows, baboons—animal research. There will be a lot of people who will say maybe we shouldn't use it there, but that is not what this bill does. It only bans the somatic cell nuclear transfer, so-called Dolly technique, as it applies to human cloning. In vitro research continues, other embryo research continues. This does not stop embryo research, or research on diabetes or sickle cell or cancer. It does not do that. It takes a very narrow procedure which is not commonly even applied to human cloning and says, stop, we will ban that. All other research continues.

No. 1, we do not ban all somatic cell nuclear transfer, only somatic cell nuclear transfer which is a specific technique as it applies to human cloning. Somatic cell nuclear transfer technology can continue in other fields. It can continue in animals. It can continue in cells. It is important for people to understand that we only ban this very specific procedure when used to produce a cloned human embryo.

Second, a little while ago a concern was expressed about the definition of ''embryo''; the definitions are imprecise. We don't need to get into a debate about how to define an embryo this morning or today or on the floor of the U.S. Senate because we already know what an embryo is. I will just cite two references. The National Institutes of Health Embryo Panel, which had a formal report in 1994, basically said, ''In humans, the developing organism from the time of fertilization.'' That is their definition of embryo.

If we look at the very good, although admittedly I will say incomplete, report by the NBAC, the National Bioethics Advisory Committee appointed by the President, which had a very short time line, their report I should say had recommendations based on the safety of the procedure. They admitted they did not have the time or the process to look at all the ethical and social and theological implications. They held hearings on it, but their conclusions were not based on those ethical considerations. In their report in 1997, several months ago, they said the embryo is ''the developing organism from the time of fertilization.''

The NIH Embryo Panel—I was not in this body at that point in time, but I have had the opportunity to go back and read their findings and their report—was very clear in their statement that the embryo does have some moral significance. The embryo as just defined by these two definitions does have moral significance today.

There is a huge debate, a debate which I think we should avoid on this narrow, narrow bill, that can go into abortion, pro-choice and pro-life, when do you define a life. I don't think we need at this point in time to get into that discussion. We do need to recognize that people such as previous panels like the NIH Embryo Panel did give moral significance to that embryo.

Now, third, in essence, the statement was made the application of nuclear transfer cloning to humans could provide a potential source of organs or tissues of a predetermined genetic background. That statement refers to my own field of transplantation where the concept is that rejection of a heart or of a lung or of a kidney is determined in large part by how different the recipient organism looks at that transplanted organ, genetically how different are they, which explains this whole process we called rejection. That is an inflammatory-like process which says the recipient body will reject that heart, either more often or totally. The genetically closer you get, the less that process of rejection occurs, free of other types of immunosuppression. This whole idea of having lots of copies of an organ, of a DNA, is one line of research in terms of eliminating rejection.

References were made to spinal cord injuries, Alzheimer's, Parkinson's, cancer, with the whole premise being that research will be shut down in these fields. I want to assure my colleagues it will not. Again, it is a very specific, narrow procedure as it applies to human cloning. Animal research will continue, plant research will continue, other cellular research will continue.

Now, NBAC also in their report in 1997 looked at this issue about transplantation, since that was brought up on the floor. Let me refer to their finding, and this is from their Chapter 2, Science and Applications of Cloning, in their report. ''Because of ethical and moral concerns raised by the use of embryos for research purposes, it would be far more desirable to explore the direct use of human cells of adult origin to produce specialized cells or tissues for transplantation into patients.''

I think it pretty much speaks for itself based on their ethical and moral concerns with this type of research that you don't necessarily have to rely on somatic cell nuclear transfer to produce an embryo as being the technique in order to create this likeness to prevent rejection.

No. 2, they say it deals with transplantation and research. ''Given current uncertainties about the feasibility of this, however, much research would be needed in animal systems before it would be scientifically sound and

therefore potentially morally acceptable to go forward with this approach." That is, the approach of somatic cell nuclear transfer. So what NBAC concluded, "Given these uncertainties . . . much research would be needed in animal systems. . . ."

Our bill allows that research to continue and then make a decision, possibly 5 years from now, 10 years from now, 3 years from now, in terms of what we learn from those animal systems. Our bill says, "Don't use this technique to clone humans." There are a lot of other strategies. I don't want my colleagues to think that somatic cell nuclear transfer technique is one of the more important techniques today. There are all sorts of strategies in terms of the transplantation arena.

Again, looking at NBAC, they recognize that, "Another strategy for cell-based therapies would be to identify methods by which somatic cells could be de-differentiated and redifferentiated along a particular path. This would eliminate the need to use cells obtained from embryos."

Again, now is not the time to go into these details, but I do want to show in part the richness of science to demonstrate that this one particular technique as applied to a human, as applied to human cloning, is the only thing that is being banned, and all this other research continues right along.

The issue has come up and will likely come up, should we create embryos purely for research purposes? Our bill does not. Let me say at the outset, our bill, as I said, allows embryo research to continue as it is today under the requirements and the regulations that are out there today. What our bill does, it looks at a particular technique with other research and embryos allowed to continue. You can step back and say, should someone be out creating all these mass-produced human embryos just to do research on them and then destroy those embryos? It is an issue which is very likely to come up before this body.

Let me introduce it and just say that our bill does not allow creation of these embryos using somatic cell nuclear transfer—human embryos. Again, animal research can continue. The Washington Post really captured, I think, what this debate will evolve to as we look at ethics and theology and science, careful not to slow down the progress of science which we want to encourage in all the fields that have been mentioned this morning. The Washington Post editorial in 1994 basically says, "The creation of human embryos specifically for research that will destroy them is unconscionable. Viewed from one angle, this issue can be made to yield endless complexity. What about the suffering of individuals and infertile couples who might be helped by embryo research? What about the status of the brand new embryo? But before you get to these questions, there is a simpler one: Is there a line that should not be crossed even for scientific or other gain, and if so, where is it?"

This is not a one-side-of-the-aisle issue. In fact, both sides of the aisle have put forth bans on human cloning. President Clinton doesn't believe the Federal Government should be funding embryo-type research. Basically he has said, "The subject raises profound ethical and moral questions as well as issues concerning the appropriate allocation of Federal funds. I appreciate the work of the committees that have considered this complex issue and I understand that advances in in vitro fertilization research and other areas could be derived from sufficient work. However, I do not believe that Federal funds should be used to support the creation of human embryos for research purposes."

Well, let me step back and then I will close. The bill, which we had hoped would come to the floor today does two things. No. 1, it creates a bioethics commission, permanent, 24 members, broadly representative of society today, with the disciplines of ethics, bioethics, theology, the social sciences, all well represented, a forum that I think is most appropriate to discuss these very difficult issues of technology that will be coming through even more rapidly in the future. The answer to the question is, why don't we just appoint this commission and pass that part of your bill and not worry? Well, that is what we have sort of been doing for the last several months—sitting back as the national dialog continues. Yet, we have a proposal coming from the private sector at this juncture and that proposal is to go out with the single objective of cloning human beings. If we as trustees of the American people want to step back and say, no, that is too hot an issue for us, that is one approach. My approach is that we go in, we address that specific problem, that cloning of the human individual with the very best legislation that we can do, set up a commission so that in the future both that issue and other issues can be discussed, look at the science, look at the ethics, look at the philosophical and social implications of this research. So that is No. 1, a bioethics commission.

No. 2 is to target the Dr. Seeds of the world—people who don't have the problem, who don't fully see the ethical potential for harm to society and to the world and, therefore, have basically publicly stated what their objective is—to create human beings, and be appealing for resources to do just that. That is why the American people expect us to come forward and debate and talk about the implications, make sure that we do exactly what I have said, which there will be debate on and that is in a very focused way, target a particular technique which has never been used to clone a human individual. We just want to prevent that and allow that science to continue.

The editor of the New England Journal of Medicine basically has said in the past: "Knowledge, although important, may be less important to a decent society than the way it is obtained."

I hope as we go forward and look at the final disposition of this bill that we come back to that statement.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I listened to my colleague's excellent statement and, of course, since he is the only physician in the Senate, I think we should all pay strict attention to him.

Let me just say that I am very concerned about debating this bill today, a bill which falls within the jurisdiction of the Judiciary Committee, without our having any hearings or other discussion, because there are a lot of complicated issues involved here.

I want to let the distinguished Senator from Tennessee know that I support his statements in many respects. I, too, am opposed to cloning of human beings.

But at the same time, we have to move very carefully in this area so that we do not preclude a lot of very promising medical technologies and very valuable biomedical research. It may be that amendments are need to clarify that.

I maintain an interest in this issue both as Chairman of the Committee under whose jurisdiction this criminal code amendment would fall, and as a Senator with a long-standing interest in biomedical research and ethics.

The questions raised by this legislation are both novel and difficult and it behooves us to move carefully.

Mr. FRIST. I thank the Senator.

Mr. HATCH. Mr. President, I ask unanimous consent that the remarks I am about to give be considered as if in morning business.

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

NOMINATION OF DAVID SATCHER TO BE SURGEON GENERAL

Mr. HATCH. Mr. President, I have listened with great care to our debate about the nomination of Dr. David Satcher over the past few days. It has been a constructive discussion, one which has raised a number of important issues.

I have the greatest respect for the Offices of the Surgeon General and Assistant Secretary for Health. The individual who occupies this position will become the Nation's No. 1 public health official, our top doctor, if you will. For this reason, this nomination deserves the utmost scrutiny.

I have the greatest respect for our colleague, the Senator from Missouri. I think he has made some arguments that raise very valid concerns, and it behooves this body to examine them.

That being said, after a great deal of analysis, I have concluded that Dr. Satcher is eminently qualified for the position, and that there is a more than adequate explanation for his position on two key issues—partial-birth abortion and HIV testing in Third World countries. Accordingly, I intend to support his nomination.

From a humble rural background, David Satcher has risen to become a leading public health expert—the director of the prestigious Centers for Disease Control and Prevention, a doctor who is widely respected for his ability to communicate scientific information in a credible manner. He has done a great job at the Centers for Disease Control and Prevention.

I have spoken at length with Dr. Satcher and became convinced that he has an agenda that Americans of both parties should support. Tobacco control is at the top of that agenda. On the issues of teen pregnancy and sexually transmitted disease, Dr. Satcher intends to promote abstinence and assures me that he believes health and sex education are a parental responsibility, in which the Government should play only a supportive role. Moreover, Dr. Satcher believes science should determine health policy, attendant upon which we have based virtually all of the public health legislation that has passed this body.

Let me note for the Record that Dr. Satcher has experience with three of the four historically black medical schools. He learned firsthand of the problems that Americans face in seeking care, and he does not advocate for a Federal solution.

During Dr. Satcher's tenure at CDC, the Centers for Disease Control, he worked to increase childhood immunization rates, to develop better ways to protect Americans from new infections, and decrease teenage pregnancy rates. He has also demonstrated U.S. leadership in attacking the world AIDS problem.

Critics of the nomination have raised concern that he supports the President's position on partial-birth abortion. It is no secret that I disagree vehemently with that position and will continue to work until a prohibition on partial-birth abortion is the law of the land.

Yes, it is true that Dr. Satcher supports the President's position, which is not surprising given that Dr. Satcher is the President's nominee. I certainly understand the motivation of some in saying that he should be opposed for that reason.

But in reviewing the hearing record on this nomination, I am impressed by Dr. Satcher's assurances to the committee on this issue. He said, "Let me unequivocally state that I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues relating 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 to reduce the number of abortions in our country." I believe that nothing in Dr. Satcher's background, including his work as CDC Director, suggests that he would try to make the Surgeon General's post into a pro-abortion bully pulpit. Indeed, he has personally given me his assurances to the contrary.

I remember when Dr. C. Everett Koop was nominated by a Republican President and his nomination was held up for some 8 or 9 months on the issue of abortion, even though Dr. Koop asserted he would not use the Surgeon General's Office as a public forum for advocacy for abortion. As things worked out, we finally were able to get him confirmed, and I won't go into all the details on how that happened. He proved to be one of the great Surgeons General of the United States. I believe Dr. Satcher will likewise prove to be a very successful Surgeon General of the United States. I urge my colleagues to vote for him.

In addition, I am aware that another series of questions has been raised regarding joint CDC/NIH-sponsored clinical trials conducted in Thailand and the Ivory Coast to determine the effectiveness of AZT to prevent pregnant mothers from transmitting the HIV virus to their children.

In a nutshell, concern has been raised because the foreign trials were placebo-controlled against a "short course" regimen, whereas, in the United States a "long course" AZT regimen would have been the baseline for care. While it is clear that an argument can be made that the U.S. standard of care could have been used, this would not have resolved a more difficult problem of lack of access to expensive medications.

While opinion is hardly unanimous on this issue, the better view is that these grounds were appropriate to the nations and the populations studied. These trials were done in complete partnership with the local patients, health officials, and the World Health Organization.

As our debate on the Hatch-Gregg FDA export bill in 1995 made abundantly clear, we need not and should not second-guess the choice of patients and officials in other countries who, for a myriad of reasons, seek not to use the American standard of care. I believe it is critical for those in Congress to respect differences of the health and wealth characteristics of other countries. What is appropriate policy in the United States is not necessarily appropriate in the Third World.

Mr. President, I want to emphasize the importance of the position Dr. Satcher seeks to assume. The Surgeon General is the head of the United States Public Health Service Commission Corps. And, formerly, the position of Assistant Secretary for Health was the top public health slot in the government. Unfortunately, the position of Assistant Secretary for Health was downgraded in the Clinton administration and has become less important since the "ASH" no longer has line authority over the public health agencies such as CDC, NIH and FDA.

I hope that Dr. Satcher will undertake a review of that decision because I think it was a mistake, and I hope to discuss that with him in the future.

In closing, I want to point out that Dr. Satcher has a distinguished record that will be an asset to those important public health positions.

Doctor Satcher is a recognized public health leader and a member of the Institute of Medicine of the National Academy of Sciences, the recipient of numerous awards, such as the 1996 awardee of the AMA's prestigious Dr. Nathan B. Davis award.

In short, Dr. Satcher is a well-credentialed, highly effective public health leader. If confirmed, he will be the highest-ranking physician within HHS and could be counted on to be an articulate national spokesperson on a wide range of public health issues that we all agree are important.

I think we can all learn by the example set almost 20 years ago when this body, as I mentioned earlier, confirmed C. Everett Koop to be Surgeon General over the objections of many in the other party.

The fears about Dr. Koop's partisanship were unfounded. Today, he is widely respected by Senators on both sides of the aisle, and it is my hope that this is a legacy Dr. Satcher will leave as well.

THE TOBACCO SETTLEMENT

Mr. HATCH. Mr. President, I also want to take this opportunity to announce what I consider to be an important development on the tobacco legislative front.

This morning, a senior official in the administration, David Ogden, counselor to Attorney General Reno, delivered testimony on the tobacco settlement at the House Judiciary Committee hearing.

Mr. Ogden testified that:

> If there is agreement on a comprehensive bill that advances the public health, then reasonable provisions modifying the civil liability of the tobacco industry would not be a deal breaker.

Since announcement of the June 20 proposed tobacco settlement last year,

I have maintained that a legislative measure which incorporates strong public health provisions in conjunction with certain defined civil liability reforms could do more to stop the next generation of our children from getting hooked on tobacco than any bill we have ever considered.

The administration's announcement today will do much to make passage of that landmark legislation possible. I call upon the President to send us his language on a priority basis. In fact, I have invited the Department of Justice to testify at the Judiciary Committee hearing next Tuesday on the tobacco settlement, and we will be greatly interested in the details of the President's position on liability.

Mr. President, this is a stunning breakthrough, one which I believe greatly increases the probability that a broad, bipartisan consensus can be reached on the tobacco settlement.

PRIVILEGE OF THE FLOOR

Finally, Mr. President, let me just conclude by asking unanimous consent that Bruce Artim and Marlon Priest be granted privileges of the floor during the pendency of the Satcher nomination and during consideration of S. 1601, the anti-cloning bill.

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

Mr. HATCH. Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Would the Senator like me to yield?

Mr. LEAHY. Mr. President, will the distinguished Senator from Tennessee be willing to yield me 3 minutes?

Mr. FRIST. Absolutely.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1612 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. I thank my good friend from Tennessee for yielding me this time.

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

Mr. FRIST. Mr. President, Thank you.

COMMISSION TO PROMOTE A NATIONAL DIALOGUE ON BIOETHICS

Mr. FRIST. Mr. President, I want to take a moment to speak to the Bioethics Commission which will be proposed. It is part of a bill which I am not sure is going to make it to the floor today. I would like to comment on that Commission.

Mr. President, I want to comment briefly on this concept which is in the bill that will be considered sometime in the future. I am not sure it will be this afternoon, or next week, or sometime in the future. And the aspect that I want to comment on is this Bioethics Commission. I think it is critical that at the end of this century and on into the next century we have somewhere in the United States a forum where we can carry on intelligent discussions on the ethical, the theological, the scientific, and the medical issues that are inevitable as science progresses with breakthrough discoveries that have the potential both for very good—very good—but also evil. Where do we digest those in the society when they are coming through not every week nor every month but even more frequently? In response to that, I proposed the National Bioethics Commission.

We have the National Bioethics Advisory Commission, so-called NBAC. And I think over the next few days the country will become familiar with that NBAC designation. The NBAC, the National Bioethics Advisory Commission was appointed entirely by the President of the United States. They did a very good job this past year in assimilating data, information, reports, and testimony from experts and the lay public broadly over a 90-day period addressing human cloning. That was a good start. But they very openly said that they were unable to substantively address the ethical issues surrounding human cloning.

As I have said earlier today, as a scientist, and a public servant now, I want to make the case that we can no longer separate science from the ethical consideration in that we as a body must address how to establish a forum in which such discussions can be carried out.

The Commission cited inadequate time to tackle the ethical issues in the context of our pluralistic, complex, intricate society in that they chose primarily to focus on scientific concerns as well as the less abstract concept of safety. What is safe or not safe? Is this procedure safe, or is it not safe? They then appealed to each American citizen to step up to the plate and exercise their leadership and their moral leadership in formulating a national policy on human cloning. We need that forum.

Time has shown that neither the Presidential Commission nor the U.S. Congress is probably the forum, or at least is an inadequate forum, for addressing these bioethical issues which are of tremendous intricacy and important to society.

I, therefore, proposed this National Bioethics Commission in our legislation. It is representative of the public at large. It has the combined participation of experts in law, experts in science, experts in theology, experts in medicine, experts in social science, experts in philosophy, and the interest of members of the public. It is my hope that this Commission will forge a new path for our country in the field of bioethics that will enable us to have an informed, a thoughtful, a sophisticated, and scientific debate in the public square without fear on behalf of the public, or politicians, or politics driving our decisions.

In this proposal, the majority and minority leaders of Congress would appoint the members of the panel. No current Member of Congress or the administration would serve on this panel. We simply must depoliticize these discussions which will simultaneously broaden input from the general public. Each and every citizen of this country should have the opportunity to contribute to these debates.

This Commission would be established within the Institute of Medicine, and would be known as a Commission to promote a national dialogue on bioethics.

Very briefly, it would have 25 members, 6 appointed by the majority leader of the Senate, 6 by the minority leader of the Senate, 6 appointed by the Speaker of the House, and 6 appointed by the minority leader of the House of Representatives. There would be a chairman. In addition, representatives stated in the legislation would be from the fields of law, theology, philosophy, ethics, medicine, science, and social science. The Commission would be appointed no later than December 1 of this year. We have to move ahead quickly. They would serve for a length of 3 years. And the duties of the Commission, as spelled out in the legislation, would be to provide an independent forum for broad public participation and discourse concerning important bioethical issues, including cloning, and provide for a report to Congress concerning the findings, conclusions, and recommendations of the Commission concerning Federal policy and possible congressional action.

Subcommittees are established on that Commission for legal issues, for theological issues, for philosophical and ethical issues, medical issues, and scientific issues, and for social issues.

I will not belabor the Commission, but want to come back to the concept and the concept is to have an appropriate forum to discuss the types of issues we are discussing today, which I have made the case that we have to act on today in response to proposals that have been made from the private sector and to have a better, a more appropriate, a more responsive, and a more representative forum to address such issues in the future.

Mr. President, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that I may speak as if in morning business.

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

THE PRESIDENT'S BUDGET

Mr. KERREY. Mr. President, there has been a lot of commentary before about the President's budget, and I would like to offer a little comment prior to talking about the proposals that I heard the distinguished Senator from West Virginia, Senator BYRD, make the other day having to do with the importance of ISTEA legislation.

My own view is that there is an awful lot that Congress needs to be proud of at the moment. We sometimes make it worse with our actions. And when we help make things better, it seems to be important for us to take stock of what we have done and to acknowledge our accomplishments.

I believe the last 7 years in the United States we have seen a dramatic transformation in the United States Congress from one of an expectation almost that the Japanese and other Asian nationals are going to overwhelm us.

I remember very well in 1991 the debate was: Will the U.S. currency be devalued in the end? Could our automobile manufacturers survive? Could our computer manufacturers survive? There were a lot of people who reached the conclusion that we would not be able to do that, and what we ought to do is adopt the Japanese model, to have the Government much more involved in the decisionmaking businesses, with a much closer relationship, and industrial policy was quite popular at the time.

We chose a different direction. We enacted in 1990, and in 1993 and again enacted in 1997, legislation that imposed fiscal discipline on the Federal Government. And as a consequence of that we are now finding ourselves debating what are we going to do about the surplus? We have reduced Government borrowing, and reduced Government borrowing just from the 1993 legislation by almost $800 billion; and that coupled with tremendous accomplishments in the private sector, businesses and employees working harder, producing more, being more competitive and especially paying attention to price and quality which is what the consumer increasingly is looking at before they will make a purchase.

Our goods are selling. Our cars and computers are selling. Our software and food is selling. Our products are selling. People throughout the world, where they have an opportunity to buy our products are saying that "Made in the U.S.A" is good again. It wasn't that long ago when people were saying maybe it is not so good.

So we need to congratulate ourselves. We have a surplus. The cost of the Federal Government is down to the lowest as a percentage of GDP than it has been in a long time. Crime is down in most major cities. There is a lot that we need to feel good about—not just as Members of Congress but as Americans for how it is that we have gotten to where we are today.

Mr. President, I think, as is always the case in any competitive operation, that it must be pointed out that there is a need to take advantage—not to say it is terrific and we are on the top of the heap and become complacent. That is when you get in trouble. I understand that there is uncertainty when you are having to compete. But in part that uncertainty means we are doing a good job because we are not asking anybody to provide us with an absolute guarantee of success. We are saying that we are prepared to get in the market and do what we have to do to be successful.

So I believe it is not the time in 1998 to say that it is terrific, and let's figure out how to spend the surplus, or let's figure out how to take an easy course of action. I think the President has outlined for us a tough course in setting Social Security as a top priority saying we have to have a discussion in 1998 about it besides in 1999 what we are going to do with the most expensive program that we have in Washington, DC, today. I applaud that.

All of us need, as we look at the Congressional Budget Office numbers, to be alert. And the distinguished Senator from Tennessee and I are both on the Medicare commission, and I presume that Medicare commission, which I think is going to have our first meeting sometime in March relatively quickly, I hope. Our big concern should be the year 2010, the year 2030, and the CBO numbers that we are given. All of us need to understand that it only extends out 10 years. The next 10 years looks pretty good. Over the next 10 years not a single baby boomer will retire. They start to retire; 77 million of them start to retire in the year 2010. And from 2010 to 2030, the number of retirees will increase almost 25 million while the number of workers only goes up 5 million. That is a demographic problem—not caused by liberalism or conservatism. It is a demographic problem, and my guess is that this year it will impose some sort of children's health fee on tobacco. My guess is that the increased funding in NIH will go through. And my guess is that as a consequence of that and what other sorts of things there will be that the baby-boom generation is going to live even longer than what we are currently forecasting. And their demand for collective transfer payments both from Social Security and Medicare are apt to be larger than what we are currently estimating, not likely to be smaller.

During that period of time—2010–2030—the percent of our budget that is allocated to mandatory spending, presuming that we allow net interest to go down, which is by no means certain, if we allow the debt to be paid down so the net interest can go down, even with that scenario, at the end of the baby boom generation 80 percent of the budget will go to mandatory spending. All one has to do is take today's budget of $1.7 trillion, subtract 80 percent, and ask yourself how you are going to defend the Nation with 20 percent, how you are going to build our roads, how you are going to maintain a law enforcement system, how you are going to do all the things that everyone wants to do with only 20 percent left.

That is the dilemma, it seems to me, we are going to face. So I hope in this moment of exuberation and exhilaration we understand now is not the time to become complacent. Now is not the time for us to just come to the floor and try to tee up things that are relatively easy. We have to get the tough things done.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. KERREY. Mr. President, I was very disappointed, many of my colleagues down here, a lot of us were disappointed that we were not able to get the ISTEA legislation passed last year. For me the ISTEA legislation is one of the most important things with which this Congress deals. It creates immediate jobs, employs people in my State, but much more importantly, it adds to the productive capacity out in the future. It contributes to our capacity to be competitive. It enables our families to do what they want to do when they take their leisure time.

Our transportation system is enormously important, and it is one of the things we in America have to be proud of. It enables us to maintain our competitive edge and to be able to celebrate.

I was encouraged earlier last year when the majority leader indicated that he was going to make this a priority and bring it up right away. I have great respect for Senator DOMENICI, the chairman of the Budget Committee, who is asking that this legislation be taken up after we get a budget resolution, but that means we will have to get another 6-month extension. That means there will be contract uncertainty out there in the country. That means we may not get this thing done until next year.

All of us know there are bitter divisions about formulas, bitter divisions about how we are going to allocate our money: should it go out to the West, to the Northeast? All of these battles that typically do not break down by party line but by geographic line, all of those battles will have to be waged here in the Senate Chamber when the bill is brought up. If you delay it, not only do we risk not getting a 6-month extension, we risk not getting ISTEA passed until very late in the session, creating contract uncertainty, creating, it seems to me, problems none of us ought to be courting.

So I hope that the distinguished chairman of the Budget Committee and the majority leader will bring this legislation up before this budget resolution, will schedule it for debate as quickly as possible.

We need, on behalf of the American workers, on behalf of American businesses, to pass what arguably I think both Republicans and Democrats would say is apt to have the most immediate, positive impact in terms of our economy and in terms of jobs and productivity.

I have a letter from one of Nebraska's significant engineering companies pointing out, quite correctly, that there is an urgency to this legislation. There are jobs hanging in the balance, there is productivity hanging in the balance, there is safety hanging in the balance. There are lot of things that need to be done that we are not going to be able to do if this piece of legislation is delayed.

I voted yesterday to rename the National Airport in favor of Ronald Reagan. I am a Democrat. There were many of us who said, oh, my gosh, do we have to put a Republican name up on our airport? Ronald Reagan was one of the most important Presidents of this century. It was an important piece of legislation. But relative to ISTEA, it is not as important. When you size and scale these things in terms of the contribution they are going to make to keep our people safe, to give our kids a good education, to give Americans a shot at the American dream, ISTEA gives them that opportunity. ISTEA gives us jobs; it gives us a chance to maintain our competitive edge.

I hope there is some reconsideration given. I hope that the advice that was offered earlier by the distinguished senior Senator from West Virginia, Mr. BYRD, that this legislation be brought up sooner rather than later will be taken by the majority leader.

Mr. President, I yield the floor and 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. GRASSLEY. 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. GRASSLEY. I ask unanimous consent to speak for 10 minutes as in morning business.

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

INTERNATIONAL TRADE INITIATIVES

Mr. GRASSLEY. Mr. President, as we start the second session of the 105th Congress I want to outline my priorities on international trade issues from my vantage point of chairman of the Finance Committee's International Trade Subcommittee. Some of these are legislative initiatives that began in the 1st session and others are things that we should be doing everyday.

The first thing we need to do is restore the United States to its rightful position of leading the world in liberalizing global trade. We can do this by granting the President new trade negotiating authority. The failure to pass fast track last year was harmful to American workers, American farmers and American consumers.

Why? Free trade not only creates new, high-paying jobs/it helps preserve existing jobs. When high trade barriers prohibit U.S. companies from exporting to a foreign market, the company will choose to relocate in that other country in order to sell its product.

The United States has one of the most open economies in the world. Our average tariff is about 2.8 percent. The world average is 12 percent. Fifty years ago it was 48 percent. Many other countries have virtually closed markets. According to the World Bank, for instance, China's average tariff is 23 percent. Thailand's is 26 percent, the Philippines 19 percent, Peru almost 15 percent, and Chile has a flat 11 percent tariff.

It can be difficult for American companies to export to a country like China, that places a 23 percent tariff on our goods. The tariff prices our goods out of the market. So these companies move their plant to China and avoid paying the tariff.

The preferred alternative—for American workers—is negotiating with China to lower its tariffs. Bring their tariffs down to our level. Then the companies can stay here—employ American workers—and export their goods to China. It's a "no-brainer."

But we can not negotiate these tariffs down without fast track authority. That is why fast track is so important. It leads to lower tariffs in foreign countries and the preservation of American jobs.

Fast track also leads to the creation of new jobs. Exports already support 11 million jobs in the U.S. Each additional $1 billion in exports creates between 15,000 and 20,000 new jobs. These jobs pay 15 to 20 percent higher than non-export related jobs. And, in Iowa, companies that export provide their employees 32 percent greater benefits than non-exporters.

All of this is in jeopardy without fast track. And it is the American worker who will suffer.

Mr. President, what I am most concerned about is the vacuum of leadership on international issues that is left by the United States relinquishing this traditional role. Ever since the first Reciprocal Trade Agreements Act of 1934, the United States has led the world in reducing barriers to trade. And we have benefitted greatly from this leadership.

American workers are the most productive, highest-paid workers in the world. American companies produce the highest quality products. And American consumers have more choices of goods and pay less of their income on necessities, such as food, than consumers of any other country. These are the benefits that we have enjoyed because we've been willing to lead on trade.

This leadership is now being questioned by our trading partners. They are moving on without us. They're forming regional and bilateral trading arrangements that don't include the United States.

What are the consequences for the United States? The European Union, Japan and developing countries will have a greater influence in shaping world trade policies. Should we trust Japan and the European Union to advance our interests? How hard will they push for opening markets?

I ask my colleagues who voted against fast track because of labor and environmental concerns, how hard do you think other nations will push for raising these standards? I ask my colleagues from rural states, do you trust the European Union and Japan to push for open markets at the 1999 WTO agriculture talks?

Only our President can advance our interests. Only the United States can influence other countries to improve their environment and labor standards, to improve human rights, and to embrace democracy through international trade. That is why the President should renew his effort for fast track authority and Congress should pass it this year.

Congress also included a reauthorization of the Trade Adjustment Assistance program in the Senate's fast track bill. This program assures that every American who loses their job due to a free trade agreement receives the job training and assistance they deserve. No American will be left behind by our participation in the global economy. My second initiative is to secure passage of the TAA this year.

MY third priority is to keep markets open the troubled Southeast Asian countries. I support IMF assistance of the nations in crisis. But as part of the economic reforms that the IMF requires, we must insist that the Asian countries open their markets to our exports.

Countries have a natural inclination to close their markets in time of crisis. But this only accelerates the downward spiral they find themselves in. For their own good, they should resist the temptation to raise trade barriers.

Also, some of these countries will attempt to increase their exports to our market in order to help their economies. If that's the case, they have a moral obligation to open their markets to our exports. And I will work to make sure that happens.

Last week I joined with 19 of my fellow senators on a letter led by Senators ROBERTS and BAUCUS requesting a meeting with Treasury Secretary Rubin to discuss the pervasive trade barriers that remain in the Asian countries. Hopefully, that meeting will lead to a cooperative effort between Congress and the administration to remove these barriers.

The fourth area I will be focusing on in 1998 persuading our trading partners to live up to the commitments they have made in prior trade agreements. Getting a good agreement is one thing. But we must demand compliance with our agreements on a daily basis. Many markets we thought we had opened are still closed.

I will monitor our existing agreements and strongly urge the administration to bring enforcement actions when necessary. Trade agreements aren't worth the paper they are written on unless we put some force behind them.

The last two initiatives I will pursue in 1998 involve agriculture trade, which is so important to my state and many others. Exports now account for over 30% of farm income in this country. Take away foreign markets, and we'd have to idle one-third of America's productive cropland.

In recognition of the importance of foreign trade to the agriculture economy, last year Senator DASCHLE and I introduced S. 219 a bill creating a "Special 301" process for agriculture. This new 301 procedure requires the U.S. Trade Representative to identify and remove the most onerous barriers to U.S. ag exports. It will put other countries on notice that we are serious about gaining access to their markets.

This bill was made part of the fast track legislation that was on the floor of the Senate at the end of last year. It is my intent to move this bill again as a part of fast track legislation or independently, if necessary.

Finally, agriculture is preparing for another round of market access negotiations at the World Trade Organization beginning in 1999. These talks will lay down the rules on agriculture trade for the next century. I pledge to work with the administration to ensure the United States sets the agenda for these talks.

Our trading partners do not necessarily want to remove their barriers to our ag exports. Because our farmers produce the highest quality products at the lowest cost. So American farmers will gain access to new markets only if the United States leads these negotiations and persuades other countries to open their markets.

Mr. President, free and fair trade creates good, high-paying jobs. It raised the income of our farmers and the standard of living for our workers and consumers. Trade has contributed significantly to our strong economic growth and record low unemployment. I will continue to pursue an agenda of free and fair trade through this Second Session of the 105th Congress.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, the majority leader had programmed a short talk but I don't see him, so I will go ahead with mine, if I may.

Mrs. BOXER. Reserving the right to object, may I ask my friend if he, in his request to speak, would add that I may speak for no more than 5 minutes following his remarks?

Mr. FAIRCLOTH. Is the request you may speak following my remarks? It's absolutely fine with me, but as I said, the majority leader was supposed to speak for 5 minutes. But if he's not here, that's fine.

Mrs. BOXER. If you want to amend it so he can, if he does arrive, speak before I speak, that's not a problem at all. I will then withhold until he completes and take my 5 minutes at that time.

Mr. FAIRCLOTH. Thank you.

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

ATTORNEY FEES AND THE TOBACCO SETTLEMENT

Mr. FAIRCLOTH. Mr. President, I rise to say a few words about attorney fees and the proposed Senate bill, S. 1570. The Public Health Funds Preservation Act, which is better known as the Tobacco Settlement Act, limits attorney's fees, and only if there is a tobacco settlement. It limits their fees, the bill that I have introduced, to $125 per hour plus court-approved expenses. This is not something that we came upon. This is the same rate that Congress set for lawyer fees in suits filed against the Federal Government. So this is an accepted and nationally known attorney fee, $125 an hour.

For trial lawyers, this debate is not about public health, it is about private greed. It is about creating instant billionaires. It is about using the public funds to create instant billionaire trial lawyers. It's a huge pot of money, billions of dollars, and it is wanted to fund frivolous lawsuits far into the 21st century. As long as you pay lawyers, you will have lawsuits. At the rate these are being paid, we will have lawsuits into infinity.

Let me mention a few cases that reveal the real motive of the trial lawyers. This is a typical example of how this group works. The trial lawyers negotiated a $349 million settlement with the tobacco companies in the so-called "flight attendants case."

These were flight attendants who said they had been affected by secondary smoke. They won the $349 million: $300 million went to a new research foundation, and the lawyers took $49 million. Not one dime did a single flight attendant get because of the lawyers in the suit—not a dime. The entire amount went to lawyers and the research foundation. It is clear what happened—lawyers, $49 million; clients, $0, and that is the way the score usually turns out.

The litigation machine grinds on and on, long after settlements. More lawsuits, more billable hours and more attorney's fees. It goes on into infinity.

The flight attendants' own lawyers sold them out for a quick buck—$49 million to be exact.

This is not an isolated case. The Texas Attorney General agreed to pay lawyers close to $2.2 billion, 15 percent of the settlement that Texas was able to negotiate with the tobacco companies—$2.2 billion to the lawyers.

The lawyers involved in the settlement of the Florida suit claimed $2.8 billion, 25 percent of the entire settlement. The settlement was $11.3 billion, the lawyers want $2.8 billion.

The judge in the Florida case said that their demands were "unconscionable." Certainly they are. They are unreasonable. But that didn't stop the trial lawyers. They were not going to let a judge stand between them and $2.8 billion. They could see the red meat. That didn't stop the trial lawyers. They filed a lien to prevent the State from collecting its first $750 million payment until they were paid. If they couldn't get the big money for themselves, neither did they want the children of the State of Florida to have it.

One Mississippi lawyer is busy lining up a $1.39 billion payment. He admits that he spent at most $10 million on the case. This lawyer says that the fee might seem a little obscene. These fees have simply gotten out of control.

Mr. President, this is a pillaging spree and nothing more. These trial lawyers rival Genghis Khan or any other raider that ever went after a pile of money.

The trial lawyers are intent on plundering. They are now stealing from the public health trust. That is exactly what they are doing if this Tobacco Settlement Act comes about. They are simply stealing from the trust that we will be putting up for the public health and for the children. After all, some of them have already filed liens to prevent the public health payments until they have been paid.

Mr. President, I say it is time to stop. This bill will do that. The tobacco settlement is a settlement to ensure medical care and future help of people who might have been affected by tobacco. It is not a lottery for trial lawyers. My bill makes sure the focus stays on children and not on lawyers. The trial lawyers want to play "Wheel of Fortune" with our money. Well, I say, no, it is not their money. Let's stop the scrambling for dollars and the greed. Public health versus private greed—let's get on with the public

health part of it and put some restraints on the private greed. That is where we should draw the line.

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

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Thank you very much, Mr. President. I want to take 5 minutes out of the debate on this very important bill. I commend my colleague, Senator FEINSTEIN, for her leadership in explaining why it is important, when we legislate, particularly on a matter of science, that we know exactly what we are doing and that we don't pass a bill that will have unintended consequences which could lead to setting back help to people who need it who are ill. I just wanted to mention that.

CONDEMNING CLINIC BOMBING

Mrs. BOXER. Mr. President, earlier today, I submitted a resolution, Senate Resolution 173. It is very straightforward. It condemns last week's tragic bombing of a reproductive health services clinic in Birmingham, AL. As most of us know, this vicious and unprovoked attack killed a police officer and critically injured a clinic worker. We already know that clinic worker lost one eye, and I watched her anguished husband talk about the possibility that she might have an operation on the other eye as well.

I am very proud that this resolution that I have submitted is bipartisan. I submitted it on behalf of myself and Senator CHAFEE, Senator SNOWE, Senator MIKULSKI, Senator JEFFORDS, Senator LAUTENBERG, Senator MURRAY, Senator BOB KERREY, Senator COLLINS and Senator MOSELEY-BRAUN.

Last week's attack was the first clinic bombing in the United States to cause a death, but, unfortunately, it was far from the first bombing. In recent years, reproductive health services clinics have been the targets of an unprecedented reign of terror. Last year alone, clinics in Atlanta, GA, and in Tulsa, OK, were bombed, resulting in many, many serious injuries.

The reign of terror began with the murder of Dr. David Gunn in Pensacola, FL, in 1993. A second abortion provider and his security guard were shot and killed the following year in Florida, and on the bloodiest day of the antichoice terror campaign, two clinic workers were killed and five injured in vicious cold-blooded shootings in Brookline, MA.

All told—all told—over 1,800 violent attacks have been reported at reproductive health services clinics in recent years. If I succeed in doing anything with this resolution, it is to make my colleagues aware that the attacks and the level of violence in those attacks are increasing every year.

I know that reproductive choice is a contentious issue. It was decided by the Supreme Court in Roe v. Wade in 1973. There are people who agree with the decision; there are people who disagree with the decision. And believe me, Mr. President, I have the deepest respect for people who hold a view other than mine. Mine is a pro-choice view. Mine is a view that holds that Roe v. Wade was a balanced, moderate decision that weighed the rights of everyone involved and basically says that previability, a woman has this right to choose, it is a personal decision and Government isn't involved, but postviability, indeed, the Government can come in and regulate as long as her life and her health are protected at all times.

But I think what is key here is that when someone explodes a bomb in a clinic, this is a violent act. This is not about philosophy, because violence is not a form of speech. Violence is not a form of speech. Violence is criminal. Violence maims, violence kills, and violence hurts the very people who are trying to carry out that cause in a peaceful manner.

I respect those with a different view, but I have no respect for anyone in this country, regardless of their view, who ever resort to violence as a form of speech. This resolution is not about choice, it is about violence.

I know that there is not a single one of my colleagues who believes that murder, bombing and terror and acts of intimidation are appropriate ways to express political views. I know that, Mr. President. This Congress stands firm on saying if you commit one of these acts, it is a Federal crime. These bombings are part of a terrorist campaign, a campaign designed to destroy a woman's right to choose through violence, making her afraid to go to a clinic maybe just to get a Pap smear. Maybe it is her only line of health care. Maybe she wants to find out how she can conceive, so she goes to a clinic. Or maybe she is exercising her right to choose, which is the law of the land.

The U.S. Senate must condemn these attacks as strongly and unequivocally as we condemn other acts of terrorism. When we hear about other acts of terrorism, whether in America or around the world, we are down here with a resolution of condemnation. Well, we should be down here now.

I am proud of the number of cosponsors I have. I invite my colleagues who may be listening to please join in. You need to be on the side of protecting the people whom you represent as they exercise their constitutionally given rights.

In addition to condemning this attack, this resolution expresses the sense of the Senate that the Attorney General should fully enforce existing laws to protect the rights of American women seeking care at these reproductive health care clinics. Again, we passed a law. It is a Federal crime to do violence at these clinics. We need to enforce that law. We need to protect these clinics. We need to devote more resources.

Here is a policeman, alone, unsuspecting, getting caught up in a bombing of a clinic, dying, leaving his family, all alone, watching a clinic, and being the victim of an explosive device, a bomb. It may well be that the people who perpetrated this, perpetrated other attacks. We don't know that for sure, but we do know one thing. There was a written message that this isn't where they are going to stop. There can be no quarter for these people in this country. It is cowardly to do what they did.

We have a law that says it is a Federal crime to do what they did. We need to prevent these things from happening by devoting more resources, and I call on the Attorney General to do that. We can't leave policemen alone facing these terrorists. We can't leave clinic workers alone facing these terrorists. We can't leave patients alone facing these terrorists. We need the help of the Federal Government. We pay taxes for that. This is an explosive device. This is not only breaking one Federal law, but more than one Federal law.

So I am proud, again, to be joined by my distinguished colleagues in offering this resolution. I plan to speak with both leaders, Leader LOTT and Leader DASCHLE, about setting aside some time to condemn this violence, to stand up for the people of this country and say, whatever your view, we respect it; however, violence will not be tolerated in this country.

I think if we did this in a bipartisan way, it would send a clear signal to anyone in our country who would even consider making violence a form of speech.

I thank the Presiding Officer, and I yield the floor.

The Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

Mr. MACK. What is the pending business before the Senate?

The PRESIDING OFFICER. The motion to proceed to S. 1601.

Mr. MACK. Thank you, Mr. President.

I want to begin my comments by making it clear, like I suspect everyone in the U.S. Senate, that I am against human cloning. I have not really found too many people who have come forward with a statement saying that they are for human cloning. I am opposed to human cloning. So, let me make that clear at the beginning of the discussion. But, there is much more to

this debate than as to whether one is for or against human cloning, and I think it is important that we get beyond that.

I agree with those who have indicated earlier in the day that, frankly, we need to delay this debate, we need to delay this legislation. You might say, "Well, why?" Certainly the individuals who engaged in producing the legislation are thoughtful, serious people. I do not question that, nor do I question their intentions. But what they have proposed I think has tremendous risks.

I will read from just a couple of letters that I have received from Nobel laureates. One of the letters indicates—and this is from Dr. Paul Berg, Stanford professor, Nobel laureate, chemistry, 1980. In his letter he says:

> The bill sponsored by Senators BOND, FRIST, GREGG and others, if passed, would be the first to ban a specific line of research.

A specific line of research. Not the end result, but the specific line of research would not be permitted.

And he goes on to say:

> I believe this is a serious mistake, one that we could regret because of its unintended implications for otherwise valuable biomedical research.

He goes on in the letter to say:

> At the same time, any legislation should not impede or interfere with existing or potential critical research fundamental to the prevention or cure of human disease.

In another letter, from J.M. Bishop, Nobel laureate, university professor, University of California, San Francisco:

> The fundamental flaw in this legislation is the prohibition of a technology irrespective of its application. Such prohibition forecloses on any benefit from the technology, even if that benefit were in no way objectionable. Many well-intentioned people fail to understand that somatic cell nuclear transfer is not limited to cloning an organism. There are many examples of possible future applications of this technology to produce healthy tissue for therapeutic purposes, such as skin grafts for burn patients, or even to create insulin-producing cells for diabetics. There may also be applications for cancer patients who need a bone marrow transplant for whom a match cannot be found.

Mr. President, I suggest that if time had permitted and if there had been greater warning that this legislation was going to come to the floor, I could virtually fill up the CONGRESSIONAL RECORD with those individuals who have serious concerns about what this legislation would do. And the same group of people would make the statement they are opposed to human cloning.

I must admit that I have more than just a casual interest in this legislation. I have been deeply involved in trying to understand basic research as it relates most specifically to finding cures and better treatments for cancer. I am terrified at the thought that this legislation could move forward without the opportunity for there to be in-depth scientific debate before committees of the Congress of the United States about what this legislation would do.

I just say to people that, if you go back into the early 1970s, 1971, I believe, regarding the issue of recombinant DNA, there were horror stories that were told about recombinant DNA research. There were all kinds of fears that were created. And there were places in the country where bans were actually put into place.

Well, fortunately, the Congress never passed a ban like they are talking about here, because if they had, just to use one disease—cystic fibrosis—think about what it would be like if you were the parent of a child with cystic fibrosis that had been denied a treatment that was developed as a result of going forward with recombinant DNA.

What was developed enhanced the ability of the lung to function as a result of the discovery. Back in 1971, no one had even an idea where that research might have taken us. But in retrospect we can see that the foundation has been built for the future research that may in fact find better treatments, whether that is cancer, whether that is diabetes, whether that is Parkinson's disease, whether that is AIDS, whether that is sickle-cell anemia. And I could go on and on and on.

So, Mr. President, all I am saying here today, and to my colleagues, is that if there is not a change in this legislation, then I am going to have to oppose the legislation. I understand that the majority leader will be coming to the floor shortly to file a cloture motion. I would have to vote against cloture if this legislation is not changed. I frankly believe that the most significant thing we could do would be to delay so that in fact we could hear from both sides on this issue.

Again, the debate really isn't whether there should be human cloning. I think most people in this country clearly have said we should not do that, that it should be banned. But what we are debating is the potential outcome of the language that is put into legislative form that would limit the scientists of our country, limit them in their ability again to find cures, possibly, and certainly better treatments for the diseases that face our families, our children and our grandchildren.

So, Mr. President, I sincerely hope that either we find some way to correct the legislation before us or that we delay this so that not only the scientific community can have an opportunity for input but also for patient groups. I think they ought to have an opportunity to come before the Congress at our hearings and let them raise their concerns about what might be done to maybe one area of hope that they have about better treatment or a cure.

Mr. ABRAHAM. Mr. President, I rise in support of legislation to place a permanent ban on the unethical, immoral pursuit of human cloning.

I do not believe, Mr. President, that the fact that a thing is possible makes it desirable. The study of ethics is filled with things we can do, but should not do. The subject of cloning presents an obvious example along these lines. And I believe it is necessary for us to face the problem head-on.

Genetic research has been crucial to saving thousands upon thousands of lives all over the world. It continues to be an important part of medical research as we look for cures and treatments for cancer and other dreaded diseases. But there are certain things we cannot do, even as we seek, in the long run, to save lives. As shown by recent scandals concerning studies at Tuskegee Institute and elsewhere, in which people were denied treatment for serious ailments in the name of science, most people, most of the time, recognize the moral limits to scientific and medical research.

But we cannot always trust in the good judgment of the scientist. In some extreme cases we, the people's legislature, must see to it that certain practices are not undertaken. Human cloning is one of those practices. No man or woman, not even a scientist, has the capacity to manipulate the very nature and existence of human life in a moral manner. Plants, animals and even discrete human cells may be the proper subjects of research, but to attempt to create a human being, as the product of scientific experiment, risking that that product may be seen as something other than a living, sentient human being, is simply not acceptable.

Mr. President, we are not now, nor will we ever be, morally capable of manufacturing life, or of making experiments on the human soul.

It is because I value life, each and every human life that comes into this world, that I have joined with my colleague from Missouri in sponsoring this legislation to ban, now and for the future, any attempt at human cloning.

Now is not the time, Mr. President, for our Nation to create, or rather add to, an atmosphere in which human life is valued for anything other than itself. Each of us is unique and uniquely valuable. Our laws recognize this, providing as they do for due process and equal protection of every one of us. Our religions are based on this understanding of the individual as the creature of God. We must see to it that our science also recognizes the intrinsic value of every human life.

Science has been of great service to mankind. It will continue to improve, protect and save lives, so long as we recognize our duty to see that scientists abide by their duty to serve,

and not manipulate, each and every human being.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I believe the Senate has already had a healthy debate on the cloning legislation and I thank Senators BOND, FRIST, GREGG and others for their leadership on this issue. I find it unfortunate that our democratic colleagues have chosen to block consideration of legislation at this time, even a motion to proceed.

Clearly, this is an issue that has America's attention. The idea that so much progress has been made in the cloning area, and that we have doctors or scientists already threatening to clone human beings, is a very serious matter from a scientific, medical, moral and ethical standpoint. I don't think we can afford to set this issue aside without some immediate consideration and some immediate attention.

I am very pleased that the Senators that are involved on both sides of the aisle are obviously very concerned, very thoughtful, and would like to get an agreement.

I am particularly pleased that one of the leaders on our side of the aisle is Dr. BILL FRIST of Tennessee, one of the Senators who knows the most about questions of science. He would never want us to sacrifice appropriate advancements in science and medical achievement in any way. The difference is he really knows what he's talking about. So, while there are some disagreements about how far to go, what would be appropriate, what would not be appropriate, a lot of good work has been done.

It seems to me that the thing to do is to go forward. Let's have a continued debate in addition to what we have already heard from a half dozen or seven Senators or so. Let's have other Senators become informed, read the debate we have already had, think about this issue, study the bills, and make recommendations. If there are amendments by the Senator from California, I think they should be offered. Let's debate them and let's think about them.

This is an issue whose time has come—maybe sooner than we would have ever dreamed, and maybe in a lot of ways we had not anticipated this. But if we don't act, what could be the result? Do we want to allow the possibility of human cloning to go forward? I don't think so. Leaders in the scientific and medical communities, and others, have already indicated their concerns about that. The President of the United States has made it very clear in an early statement that he wanted to make sure that this human cloning did not occur. So I urge the Senate—we can go forward with deliberate speed, which is always the case, but we should go forward and not have this pigeon-holed somewhere in the bowels of the building for weeks or months while time and events pass us by.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk so that we can proceed to the very serious legislation on the issue of cloning.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1601 regarding human cloning.

Trent Lott, Christopher S. Bond, Bill Frist, Spencer Abraham, Michael B. Enzi, James Inhofe, Slade Gorton, Sam Brownback, Don Nickles, Chuck Hagel, Rick Santorum, Judd Gregg, Rod Grams, Larry E. Craig, Jesse Helms, and Jon Kyl.

Mr. LOTT. Mr. President, I emphasize once again that this is only to end debate on the motion to proceed. Could we at least go to the substance of the bill, and then we can make a judgment about whether we have had enough discussion, whether we know enough, or whether we have amended it appropriately. We have no option at this point other than to file cloture.

For the information of all Senators, the vote will occur on Tuesday, February 10, at a time to be determined by the majority leader after discussion with Senators on both sides of the issue and with the minority leader.

Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed will be withdrawn.

CLOTURE MOTION

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, as in executive session, I ask unanimous consent that the Senate now resume the nomination of David Satcher in order for me to file a cloture motion on the nomination.

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

The clerk will report the nomination.

The bill clerk read the 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.

The PRESIDING OFFICER. The clerk will report the cloture motion.

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar Nos. 338 and 339, the nomination of David Satcher to be Assistant Secretary of HHS and to be Surgeon General.

Trent Lott, James Jeffords, Richard Lugar, Conrad Burns, Arlen Specter, Frank H. Murkowski, Ted Stevens, Ted Kennedy, Olympia J. Snowe, Susan Collins, Tom Daschle, Paul Wellstone, Herb Kohl, Christopher Dodd, Chuck Robb, Tim Johnson, and Tom Harkin.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur at 11 a.m. on Thursday, February 10, with the mandatory quorum being waived and, further, that if cloture is invoked, the Senate proceed to an immediate vote on the confirmation of David Satcher to be Assistant Secretary of HHS and Surgeon General, all without any intervening action or debate. I further ask that following the vote, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

Mr. LOTT. Mr. President, I further ask that there be up to 6 hours for debate on the nomination on Monday, February 9, to be equally divided between Senators JEFFORDS and ASHCROFT, and that there be 1 hour, equally divided in the same fashion, on Tuesday morning.

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

Mr. LOTT. Once again, Mr. President, regarding this matter, I want to make it clear that there is no intent to rush to judgment here. This nomination has been pending for quite some time. There is strong support for this nomination on both sides of the aisle, and there are legitimate concerns about this nominee. I had indicated yesterday that we would not go forward to a vote until requested information from the Centers for Disease Control had been received, as requested by the Senator from Missouri, Senator ASHCROFT. I had FAXed that list to the Secretary of HHS, Secretary Shalala, and talked to her subsequently on the telephone. I had been told that there were seven items listed. One of them had already been provided, one was on the way, and the other five were being pursued. I believe that most of that information now has been obtained. If not, there is time for it to be received

Saturday, Sunday, or Monday before we get to vote on Tuesday.

I urge the White House, the Centers for Disease Control, and everybody involved, to make that information available. It was inferred that, well, it might be used against him. I don't know what the information is. It may be used against him. If it is out there and in the public record or should be in the public record, we need to know that, and we will make a decision.

We have had time given to this nomination in that it has been pending a long time, and now we have had debate pointing out where the problems are and pointing out the assets of this nominee. I think we should not delay it any further. It would be my intent to vote for cloture, which I don't always do, but I think once you have had adequate time—in fact, I rarely do it, but I think this nominee should have a vote on his nomination. So if we in fact do come to a final vote on cloture, I will vote for cloture. That does not indicate how I would vote on final passage. I will make that final decision based on all the information made available before the vote occurs. But I think we should bring it to a conclusion.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I would like to announce, for the information of all Senators, that at 3:45 the Senate will receive, on a bipartisan basis, the Secretary of State in S. 407 for a briefing on her recent visit to Europe and the Middle East. Then, also, a number of Senators and House Members will be meeting with Prime Minister Blair in the Rayburn Room on the House side at 4:30. So we would like to make sure that all Senators can attend the briefing at 3:45, and since we have such a large number of Senators that are going to be meeting with Prime Minister Blair, it would not be our intent to have recorded votes or further substantive business this afternoon.

Obviously, we still have time for morning business speeches, if Senators would like to do that. That is why we are not scheduling anything else this afternoon legislatively, because these are very important meetings we have pending.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations:

Four nominations reported by the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and then the Senate return to legislative session.

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

The nominations were considered and confirmed, en bloc, as follows:

IN THE AIR FORCE

The following-named United States Air Force officer for appointment as the Vice Chairman of the Joint Chiefs of Staff and for appointment to the grade indicated under title 10, U.S.C., section 154:

To be general

Gen. Joseph W. Ralston, 9172.

The following-named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas R. Case, 2013.

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under Title 10, U.S.C. Section 12203:

To be brigadier general

Col. Michael J. Squier, 8084.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert L. Echols, 6631.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

SENATOR KENNEDY'S ELOQUENT ADDRESS IN NORTHERN IRELAND

Mr. DASCHLE. Mr. President, earlier this month, our colleague Senator KENNEDY made his first ever visit to Northern Ireland.

On Friday, January 9, in the Guildhall, in the City of Derry, Senator KENNEDY delivered the first Tip O'Neill Memorial Lecture, sponsored by the University of Ulster, the City Council of Derry, and the U.S. Consulate in Belfast.

Senator KENNEDY's leadership on this issue and his longstanding efforts to reach out to both Protestants and Catholics in Northern Ireland were evident in his remarks and in the warm reception he received from both sides of the community during his visit.

For many years, Senator KENNEDY has been at the forefront of this country's commitment to do all it can to end the violence in Northern Ireland and achieve a lasting peace for that troubled land. I believe all of us in Congress share that commitment.

I commend Senator KENNEDY for his contribution to the current peace initiative. I believe that his eloquent address will be of interest to all of us in Congress and I ask unanimous consent that it be printed in the RECORD.

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

ADDRESS OF SENATOR EDWARD KENNEDY—"NORTHERN IRELAND—A VIEW FROM AMERICA"

TIP O'NEILL MEMORIAL LECTURE, UNIVERSITY OF ULSTER, MAGEE COLLEGE, INCORE, GUILDHALL—DERRY, NORTHERN IRELAND—JANUARY 9, 1998

I want to thank Professor Lord Smith and the University of Ulster's Initiative on Conflict Resolution and Ethnicity, the home of the Tip O'Neill Chair in Peace Studies and the Tip O'Neill Fellowship, for inviting me here today. Let me also thank the Deputy Mayor, Joe Miller and everyone at Derry City Council for welcoming me to this beautiful city. I'm grateful to Dr. Maurice Hayes for his generous introduction, and I commend him and the Ireland Funds for establishing this living memorial to a great man, a great friend of mine, and a great friend of Ireland.

I'm especially honored that Mr. and Mrs. Restorick and Mr. and Mrs. McGoldrick have traveled from Peterborough in England and from Craigavon to take part in this occasion. In the face of great personal tragedy, these two families refuse to hate. They honor their sons Stephen and Michael most by their resolve that no other family shall have to suffer what they endure. Their lives every day are as eloquent as their words here today.

I'm honored as well that the U.S. Ambassador to the U.K., Philip Lader, is with us today. Ambassador Lader has close personal and professional ties to President Clinton, and I have great respect for his skill and judgment. He is perhaps best known in America for his ability to bring people together, and he's an excellent choice to represent President Clinton here at this auspicious and hopeful time.

And I'm delighted that my sister Jean is here. My family has a great love for this island from which we come and which for us will always be a home. Jean visited Ireland in 1963 with President Kennedy and I know he would be proud—as all the Kennedys are—of the extraordinary work she has done as our Ambassador to Ireland.

A President of Harvard is reported to have said that the reason universities are such great storehouses of learning is that every entering student brings a little knowledge in—and no graduating student ever takes any knowledge out.

But I'm sure that's not true at the University of Ulster.

This institution teaches, in many different ways, the most important lesson of all—that all knowledge is universal and all men and women are brothers and sisters.

It was here, in the Guildhall, in November 1995 that President Clinton inaugurated the Tip O'Neill Chair in Peace Studies. As he said on that occasion, "peace is really the work of a lifetime."

In that spirit, I come here to give the Tip O'Neill Memorial Lecture. And it is fitting that I do so in this place, because Tip's ancestral home on his grandfather O'Neill's side was just down the road in Buncrana.

Throughout Tip's life, Ireland was one of his greatest loves. His Irish smile could light up a living room, the whole chamber of the U.S. House of Representatives, and the whole State of Massachusetts.

One of Tip's most famous stories was about a gift by Henry Ford to help build a new hospital in Ireland. His gift was $5,000, but a local newspaper the next day reported that it was $50,000. The editor apologized profusely for the mistake, and said he'd run a correction right away, explaining that the actual gift was only $5,000. It took Henry Ford about one second to realize what was happening, and he said, "No, no, don't run the correction. I'll give the $50,000, but on one condition—that you install a plaque over the entrance to the hospital with this inscription—"I came unto you, and you took me in."

Tip was scrupulously neutral in the American presidential campaign of 1980, when I was running for President against Jimmy Carter. But Tip told me that every night, before he went to sleep, he was secretly praying that we would have another Irish President of the United States. The prayer was a little ambiguous—but Tip's Irish friend Ronald Reagan, who eventually won that election, was very grateful.

This doesn't quite feel like my first visit to Derry, since I've known John Hume for so long, and I've heard him sing "The Town I Love So Well" so many times.

I first met him a quarter century ago, in the fall of 1972. I was troubled by what had been taking place here, and people I knew well in Massachusetts told me to get in touch with him. I was traveling to Germany for a NATO conference in November of that year. So I called John and he agreed to meet me in Bonn. We had dinner at the home of Ireland's Ambassador there, Sean Ronan. When I signed the Ambassador's guest book, I wrote that I hoped to see him again when there was peace in Ireland. I see Ambassador Ronan here today, so I'm more hopeful than ever that lasting peace is finally very close.

In the following years, John Hume came to Washington often, and we would sit together and talk about the Troubles. He has been a constant voice of reason, an often lonely champion of non-violence, a stalwart advocate of peace.

In 1977, because of John, four Irish-American elected officials—Tip O'Neill, Senator Daniel Patrick Moynihan of New York, Governor Hugh Carey of New York, and I—joined forces to condemn the support for violence that was coming from the United States, and to insist that dollars from America must never be used to kill innocent men and women and children in Northern Ireland. And so the Four Horsemen were born, and over the years, we acted together on many occasions to do what we could to advance a peaceful resolution of the conflict.

Forty-four million Americans are of Irish descent. It is no accident that America has an abiding interest in the island of Ireland—and in the current generation, an abiding commitment to peace and justice in Northern Ireland. Over the years, we have welcomed many leaders of Northern Ireland—from politics, business, churches and communities. We have listened to all and tried to be a friend to all.

When President Clinton took office in 1993, it was clear that America had a President who would go the extra mile for peace—and an opportunity soon arose. In December 1993, the Irish and British Governments issued their Downing Street Declaration, which gave birth to the current peace initiative. Soon thereafter, President Clinton was faced with a critical decision—whether the goal of ending the violence would be enhanced by granting a visa for Gerry Adams to visit the United States. I had been receiving reports for several months from a delegation led by journalist Niall O'Dowd that the IRA was serious about silencing the guns. My sister Jean had heard the same reports.

John Hume and Jean both said that a visit by Gerry Adams to the United States could be very important in achieving a ceasefire by the IRA. So I and others in Congress urged President Clinton to act favorably. He made the bold and courageous decision to grant the visa, despite advice from some quarters in Congress and the Administration that he should deny it. The visa was given, the ceasefire followed, and a new and hopeful period in the history of Northern Ireland was born.

Since then, there have been setbacks along the way. But America's interest has not faltered, and President Clinton has provided continuing encouragement. His visit to this island in November and December of 1995 was a powerful demonstration that America cares about peace—and the outpouring of affection that greeted him from Protestants and Catholics alike was an unmistakable sign to political leaders on both sides that peace was the people's priority.

Today, we stand at a defining moment in the modern epic of this land. The talks that are about to resume offer both a challenge and an opportunity. In the coming crucial weeks, the parties will determine whether this is a genuine way forward, or just another failed station on the way of sorrows.

To Nationalists who have suffered decades of injustice and discrimination, I say "Look how far you've come". One need only look around to see the success of the Nationalist community—what John Hume has done for the peace process and for new investment in Derry—what Seamus Heaney, Seamus Deane, Brian Friel, Frank McGuinness, and Phil Coulter have done for the spirit of Ireland—North and South. Ireland has its first ever President from Northern Ireland. Gerry Adams and other Sinn Fein leaders have been to Downing Street. You have come so far. Have faith in yourselves and in the future.

And to Unionists who often feel afraid of what the future may bring, I recall that you are descendants of the pioneers who helped build America, and now you can be the pioneers who build a better future for this island.

Everyone is well aware of the numerous contributions of Irish immigrants—mostly Catholic—who came to America in the 19th century, fleeing famine. Many of those famine ships left from Derry. But it is often forgotten that more than half of the 44 million Americans of Irish descent today are Protestants.

Most of that Protestant immigration came in the 1700's and early 1800's. As far back as the late 1600's, persecution of Scottish Presbyterians led many to leave Ulster and seek religious freedom in the American colonies. The father of American Presbyterianism was born only a few miles from here. Magee College, our host today, was in fact a training college for Irish Presbyterianism. Historically, the very hallmark of that faith is respect for differences. The Presbyterian tradition helped endow America with that respect. It is one of our greatest strengths. That same basic value—respect for differences—is now the key to a better future here as well.

The impact on America of Scotch-Irish settlers from what is today Northern Ireland was profound. Large numbers joined our fight for independence. Five signed the Declaration of Independence. John Dunlap of Strabane printed the Declaration, and also established the first daily newspaper in America.

In the years that followed America's independence, these settlers were instrumental in founding the Democratic Party in the United States. They helped assure the election of two of our greatest Presidents, Thomas Jefferson and Andrew Jackson.

Jackson himself was of Ulster Presbyterian stock and proud of it. As he said on a visit to Boston in 1833, "I have always been proud of my ancestry and of being descended from that noble race. Would to God, Sir, that Irishmen on the other side of the great water enjoyed the comforts, happiness, contentment and liberty that they enjoy here."

Eleven other Presidents of the United States were of Scotch-Irish heritage, including President Clinton.

In ways such as these, Protestants of Irish descent have made indispensable contributions to America as a land of freedom and opportunity for all. You are part of our heritage and history. We are brothers and sisters, not enemies. The vast—vast—majority of Irish Catholics in America bear you no ill will. Our hope is that as your ancestors did for America, you will lead the way to peace and justice for Northern Ireland.

It is an apt coincidence that the goal for the peace talks is to reach a successful conclusion in this year that marks the two hundredth anniversary of the United Irishmen Rebellion of 1798. As 1998 begins, we can all salute the idealism and courage of those leaders two centuries ago—Catholics, Presbyterians, and Anglicans as one. Their brave doomed uprising took its immediate inspiration from the French Revolution and its call for liberty, equality, and fraternity. But Wolfe Tone, Samuel Neilson, Thomas Russell, William Drennan and other members of the United Irishmen were also well aware of the Irish role in the American Revolution.

For some, the United Irishmen will be remembered primarily as courageous and independent-minded ancestors. Others will celebrate the political philosophy they created. The point is that all traditions can draw current inspiration from the vision that guided their struggle. They believed that the different traditions in Ireland were not destined to be enemies, but had a profound shared interest in championing and guarding each others' rights.

So I hope that the participants in the current all-important talks can draw inspiration from all these streams of our common heritage, and succeed in devising new arrangements for this land that will at last give true effect to our shared ideals.

Many people have already taken risks for peace. John Hume laid the groundwork over many years for the current progress, and is one of the shining apostles of non-violence in our century. Gerry Adams and Martin McGuinness impressively led the way to the IRA cease-fire of 1994 and its restoration last summer. David Trimble demonstrated genuine leadership in bringing the Ulster Unionist Party to the peace table. John Alderdice deserves credit for his efforts to bridge the gap between the two communities. The representatives of the Loyalist paramilitaries—David Ervine, Gary McMichael and others—helped achieve the Loyalist cease-fire and have made ceaseless efforts to maintain it. The Women's Coalition deserves admiration and support for participating and persevering—and for demonstrating anew the rightful place of women at the highest level of politics.

The Governments of Bertie Ahern and Tony Blair have carried the process forward

with skill and wisdom. Mo Mowlam is tireless in her commitment. George Mitchell's transatlantic shuttle diplomacy is America's special gift to the peace process —living daily proof that the United States not only cares, but can be scrupulously even-handed too. John de Chastelain and Harri Holkeri deserve credit for their leadership and patience. And numerous others—church leaders such as Father Alex Reid and Reverend Roy Magee—community workers such as Geraldine McAteer and Jackie Redpath—have worked hard and well at building bridges.

Above all, the people of Northern Ireland deserve credit for never giving up their dreams of peace, and for constantly reminding political leaders of their responsibility to achieve it. As Yeats wrote, "In dreams begins responsibility."

There are some who seek to wreck the peace process. They are blinded by fear of a future they cannot imagine—a future in which respect for differences is a healing and unifying force. They are driven by an anger that holds no respect for life—even for the lives of children.

But a new spirit of hope is gaining momentum. It can banish the fear that blinds. It can conquer the anger that fuels the merchants of violence. We are building an irresistible force that can make the immovable object move.

In 1968, at a time of unconscionable violence in America, my brother Robert Kennedy spoke of the dream of peace and an end to conflict, in words that summon us all to action now:

"It is up to those who are here—fellow citizens and public officials—to carry out that dream, to try to end the divisions that exist so deeply in our country and to remove the stain of bloodshed from our land."

It is not my plan or place to address the details of the talks—that is for the participants. But comments from observers may prove useful as a source of perspective and reflection, as a way to dispel distortions and misunderstandings and to create possibilities for peace—and above all, to demonstrate as powerfully as we can that America truly cares.

Irish Americans are anything but indifferent to what is happening. We have a long-enduring desire to see peace and prosperity take root here. Our commitment embraces the welfare of all the people of Northern Ireland—and when we say "all," we mean all.

Whoever we are, wherever we come from, whatever our differences—there is one self-evident, fundamental, enduring truth. There must be no return to violence. Killing produces only more killing. Endless, escalating cycles of death and devastation have brought unspeakable human tragedy, deeper division between and within the two great traditions, and painful stagnation and failed prosperity for Northern Ireland.

It does not have to be that way. Addressing the Irish Parliament in 1963, President Kennedy quoted the famous words of George Bernard Shaw: "Some people see things as they are and say, 'Why?' But I dream things that never were, and I say, 'Why not?'" May those words inspire the search for peace today.

The present must learn from the past. As the Joint Declaration states: "the lessons of Irish history, and especially of Northern Ireland, show that stability and well-being will not be found under any political system which is refused allegiance or rejected on grounds of identity by a significant minority of those governed by it."

Equality and mutual respect are the twin pillars of peace. It is clear that the Nationalist community will never accept a role of subservience to Unionism. And the Unionist community will never accept a role of subservience to Nationalism.

The obvious and inescapable conclusion is that these two traditions can find a stable relationship only on a basis of equality and mutual respect. A successful outcome must mean no second-class citizens on this island, and no second-class traditions either.

The peace process does not mean asking Unionists or Nationalists to change or discard their identity and aspirations. It means using democratic methods, not bombs and bullets, to resolve the inevitable differences and tensions between them.

However far into the future, whatever the color of the flags, there will be two communities, each with its own character and its own pride, sharing this beautiful piece of earth.

The heritage of America offers a hope and a lesson. The motto of America—to which John Hume has often referred—is the Latin phrase "e pluribus unum"—out of many, one—the whole is greater than the sum of its parts. The diversity of America is America's greatest strength, and the diversity here can be your greatest strength as well.

As you travel the road together, the choice is whether it will be as wary adversaries forever fearful of each other, or as friends and neighbors who agree on fair rules for the journey ahead, willing to meet and master fateful challenges together.

At its core, the conflict is about each side cherishing its noble ideals, and fearing the other may damage or destroy them.

If the true goal for each side is the protection of its rights and aspirations, rather than the denial of the rights and aspirations of the other, then surely there is a high and common ground. Protecting the rights of both sides, based on principles of equality and mutual respect, is the surest path—perhaps the only path—to peace.

I appeal to the talks participants to ask nothing for their own side they are not prepared to grant to the other—and to ask nothing from the other side they would not accept for their own. Let us make that principle the Golden Rule for the road to peace—to do unto others as we would have them do unto us.

I urge everyone involved in the peace process to approach the talks with a view to giving as much as they can, rather than as little as they think they can get away with. In the words of Seamus Heaney, you must "walk on air, against your better judgment."

As we come to a new century, the three basic relationships—within the North, between North and South, and between Britain and Ireland—can be transformed. Hatred and injustice can be replaced with respect and equality.

Taking full advantage of this unique opportunity will bring lasting peace, and a genuine place in history for all those who make it happen. Failure to grasp this opportunity will be devastating. History will harshly judge any who fail the test and waste the decisive moment.

I particularly encourage the young people of this island to become involved in the work for peace. For it is you—even more than your parents and your grandparents—who have the most to gain, and the most to lose.

As you extend yourselves to reach agreement, the United States will exert itself to build more bridges. Personal bridges. Political bridges. Economic bridges. And be assured, I will do all in my power to see that the U.S. assumes a central role in providing economic assistance to implement the agreement that is reached.

In the closing pages of the Iliad, Priam, the elderly king of Troy, goes to Achilles to beg for the return of his son Hector, whom Achilles has slain in the war. Achilles, in an act of simple humanity, gives the old man the body of his son.

The last lines of Michael Longley's eloquent poem "Ceasefire" draw an analogy with Northern Ireland. Priam speaks these words:

"I get down on my knees and do what must be done

And kiss Achilles' hand, the killer of my son."

The two communities in Northern Ireland must reach out and do what must be done—and join hands across centuries and chasms of killing and pain.

And there is great pain in both communities. Families—Protestant and Catholic—have been denied the bodies of loved ones to bury. Families—like those whose loved ones were killed on Bloody Sunday—have been denied the truth. Families—like those whose loved ones died at Enniskillen—have been denied justice. Families—enduring generations of unemployment—have been denied opportunity. Families—harassed by security forces—have been denied dignity. Families—victims of punishment beatings—have been denied justice. Children—Catholic and Protestant—have been denied their future. It is time to say enough is enough is enough is enough. It is time to replace hate with hope.

My prayer today is that individuals, families, and political, religious, business, educational and community leaders across Northern Ireland will show the forgiveness and compassion and humanity that John and Rita Restorick showed—that Gordon Wilson showed—that Joyce McCartan showed—that Michael and Bride McGoldrick showed—that everyone must show.

Like so many of you here, my family has been touched by tragedy. I know that the feelings of grief and loss are immediate—and they are enduring. The best way to ease these feelings is to forgive, and to carry on—not to lash out in fury, but to reach out in trust and hope.

So in closing, let me share with you a letter my father wrote in 1958 to a friend whose son had died. Fourteen years earlier, my oldest brother Joe had been killed in World War II. Ten years earlier, my oldest sister Kathleen had been killed in an airplane crash. My father wrote to his grieving friend:

"There are no words to dispel your feelings at this time and there is no time that will ever dispel them. Nor is it any easier the second time than it was the first. And yet, I cannot share your grief because no one could share mine. When one of your children goes out of your life, you think of what he might have done with a few more years and you wonder what you are going to do with the rest of yours. Then one day, because there is a world to be lived in, you find yourself a part of it again, trying to accomplish something—something that he did not have time enough to do. And, perhaps, that is the reason for it all. I hope so."

Too many lives of too many sons and daughters of this land have been cut short. We must dedicate ourselves to accomplish for them what many "did not have time enough to do"—a lasting peace for Northern Ireland.

Thank you, and may God bless the work ahead.

NOMINATION OF DR. DAVID SATCHER, TO BE U.S. SURGEON GENERAL

Mr. CHAFEE. Mr. President, I am pleased to support the nomination of Dr. David Satcher for U.S. Surgeon General and Assistant Secretary for Health. I have examined his qualifications and achievements, and I believe he has the capacity to serve this country well in the important role of the nation's top physician.

On Tuesday of this week, I, along with Senators GRAHAM and JEFFORDS and Representatives MORAN and LEACH, announced the formation of the Congressional Prevention Coalition. Former Surgeon General C. Everett Koop was kind enough to join us at the press conference.

During the course of his remarks, it struck me how greatly we have missed having a national spokesperson on health issues the past three years. Dr. Koop spoke forcefully about the grave health risks posed by tobacco use, lack of exercise, and poor diet. He didn't pull any punches—he gave a stern lecture to all of those present on the dangers inherent in the so-called couch potato lifestyle.

I have reviewed Dr. Satcher's statements before the Senate Labor Committee, and he clearly is anxious to start in along the same lines. At his confirmation hearing, Dr. Satcher stressed the importance of disease prevention and health promotion. As he put it, "Whether we are talking about smoking or poor diets, I want to send the message of good health to the American people." And I was delighted to learn that one of his top priorities in this role would be to put the health of our children and grandchildren in the national spotlight. To my view, all of these matters fall directly within the job description of a U.S. Surgeon General.

As I said, we have been without a Surgeon General for three years now—a period of time when we have been confronted with a staggering array of public health issues. The need for a Surgeon General has never been greater, as we are seeing an increase in smoking among high school seniors, widespread substance abuse, continuing struggles with AIDS, and a startling rate of obesity among youngsters. And as we consider the potential consequences of human cloning research, I know that I, for one, would benefit from the perspective that a Surgeon General could bring to this issue.

Several of my colleagues have expressed their misgivings about this nomination. Some have raised concerns about Dr. Satcher's views on late term abortions. Others have questioned his role in a series of AZT trials that were conducted in Africa. As Senator JEFFORDS, the Chairman of Labor Committee, and Senator FRIST, the Chairman of the Public Health and Safety Subcommittee, stated during the debate on the nomination yesterday, however, these are not new charges. Indeed, each of these issues was raised by the Committee during Dr. Satcher's confirmation hearing, and it's my understanding that he responded satisfactorily. Indeed, his answers on these and other matters have been available to all Senators and the American people for some months now via the internet.

Dr. Satcher's participation in many aspects of the health care system—provider, scientist, public and private administrator—give him the extensive knowledge and experience necessary to fulfill his role as the U.S. Surgeon General. He has dedicated his career to improving public health.

I urge my colleagues to join me in voting in favor of Dr. Satcher's nomination.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 4, 1998, the Federal debt stood at $5,475,809,861,023.23 (Five trillion, four hundred seventy-five billion, eight hundred nine million, eight hundred sixty-one thousand, twenty-three dollars and twenty-three cents).

One year ago, February 4, 1997, the Federal debt stood at $5,300,797,000,000 (Five trillion, three hundred billion, seven hundred ninety-seven million).

Five years ago, February 4, 1993, the Federal debt stood at $4,173,289,000,000 (Four trillion, one hundred seventy-three billion, two hundred eighty-nine million).

Ten years ago, February 4, 1988, the Federal debt stood at $2,458,727,000,000 (Two trillion, four hundred fifty-eight billion, seven hundred twenty-seven million).

Fifteen years ago, February 4, 1983, the Federal debt stood at $1,198,779,000,000 (One trillion, one hundred ninety-eight billion, seven hundred seventy-nine million) which reflects a debt increase of more than $4 trillion—$4,277,030,861,023.23 (Four trillion, two hundred seventy-seven billion, thirty million, eight hundred sixty-one thousand, twenty-three dollars and twenty-three cents) during the past 15 years.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

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

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

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate.

H.J. Res. 107. Joint resolution expressing the sense of the Congress that the award of attorney's 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.

At 1:59 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, without amendment:

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."

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

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."

At 3:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, 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. 2846. An act to prohibit spending Federal education funds on national testing without explicit and specific legislation.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 107. Joint resolution expressing the sense of the Congress that the award of attorney's 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; to the Committee on the Judiciary.

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2846. An act to prohibit spending Federal education funds on national testing without explicit and specific legislation; to the Committee on Labor and Human Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calender:

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.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on February 5, 1998 he had presented to the President of the United States, the following enrolled bills:

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

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."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named United States Air Force officer for appointment as the Vice Chairman of the Joint Chiefs of Staff and for appointment to the grade indicated under title 10, U.S.C., section 154:

To be general

Gen. Joseph W. Ralston, 9172.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas R. Case, 2013.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael J. Squier, 8084.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert L. Echols, 6631.

(The above nominations were reported with the recommendations that they be confirmed.)

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. LEAHY (for himself and Mr. FEINGOLD):

S. 1612. A bill to provide for taxpayer recovery of costs, fees, and expenses under section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 1613. A bill to reform the regulatory process, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1614. A bill to require a permit for the making of motion picture, television program, or other form of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System; to the Committee on Energy and Natural Resources.

By Mr. CLELAND (for himself, Mr. COVERDELL, Mr. HELMS, and Mr. GLENN):

S. 1615. A bill to present a gold medal to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 1616. A bill to authorize the exchange of existing Federal oil and gas leases in the State of Montana, located in the Lewis and Clark National Forest and the Flathead National Forest, for credits in future Federal oil and gas lease sales in the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Mr. CHAFEE, Ms. SNOWE, Ms. MIKULSKI, Mr. JEFFORDS, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERREY, Ms. COLLINS, and Ms. MOSELEY-BRAUN):

S. Res. 173. A resolution expressing the sense of the Senate with respect to the protection of reproductive health services clinics; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 1612. A bill to provide for taxpayer recovery of costs, fees, and expenses under section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

THE EQUAL ACCESS TO JUSTICE FOR TAXPAYERS ACT OF 1998

Mr. LEAHY. Mr. President, I wish to introduce the Equal Access to Justice for Taxpayers Act of 1998. I am pleased that the Senator from Wisconsin, Senator FEINGOLD, is joining me as an original sponsor of this important legislation.

Like so many Americans, I was disgusted by the evidence that surfaced of so many abuses of the IRS at recent hearings by the Senate Finance Committee. I followed the hearings very closely, and I heard taxpayer after taxpayer come before the Finance Committee recounting horror stories and trying to fight against unjustified action by the IRS that cost them thousands of dollars and countless hours of emotional distress. These average taxpayers told of frustration and despair caused by rogue IRS personnel who used the awesome resources of that agency to punish them.

Probably the saddest part about what we heard was that these good Americans, taxpayers, felt powerless to even question or fight back against their own Government. I believe, as many of my colleagues from both sides of the aisle do, that Congress needs to reform the IRS and stop these abuses from ever happening again.

Unfortunately, current law hamstrings taxpayers who challenge the IRS. Our legislation would change that by giving taxpayers, for the first time ever, a cause of action under the existing Equal Access to Justice Act (EAJA). Under our bill, taxpayers may exercise their rights under the EAJA to win awards of legal fees, expert witness fees and other costs against the IRS when that agency takes substantially unjustified action against them. Thousands of citizens have won vindication against unjust governmental action under the EAJA, and taxpayers should be able to do the same thing.

Today, most taxpayers feel that if the IRS comes after them, even if they think it is unjustified, they don't dare fight it because it will cost more in lawyers, accountant fees, and so on. Under our act, if they prove it was unjustified action, the Government pays them for their lawyer fees and for their accountant's fees. This was done by Congress to help individuals, partnerships, and corporations in other administrative actions involving the Government. We should do the same with the IRS.

In 1981, Congress enacted the EAJA to help individuals, partnerships and corporations seek review of, or to defend against, unjustified governmental action because of the expense involved in securing the vindication of their rights in civil actions and in administrative proceedings. The EAJA permits citizens who prevail in these actions in proceedings against federal agencies to recover their costs when the government acted unjustly. Its purpose is to deter abusive actions and overreaching by the government and to enable individuals to vindicate their rights, regardless of their economic circumstances.

But court decisions have interpreted the EAJA to exempt all civil actions and administrative proceedings in connection with the Internal Revenue Service (IRS) from its protections. Instead, taxpayers must seek review of, or defend against, unjustified actions by the IRS under provisions in the Internal Revenue Code. These Internal Revenue Code provisions make it much

harder for average taxpayers to recover against unjust IRS actions.

The recent report of National Commission on Restructuring the Internal Revenue Service agreed that the Internal Revenue Code fails to provide taxpayers with adequate legal rights to recover attorney's fees and other costs against unjust IRS actions. The Commission recently proposed numerous reforms to make the IRS more effective and responsive to taxpayers. I commend Senators KERREY and GRASSLEY, who served on this bipartisan commission, for introducing legislation to implement many of its recommendations. I am a cosponsor of the IRS reform bill that they have introduced, and I hope the Senate's majority leadership will allow this bill to come to a vote soon to put these taxpayer protections in place as rapidly as possible.

The Commission's report found that: "While the Taxpayer Bill of Rights legislation made great strides to allow taxpayers to recover damages for IRS malfeasance, current provisions do not provide adequate relief. In addition, there are many cases in which taxpayers are not able to obtain review of IRS actions." The Commission concluded that: "Congress must provide taxpayers with adequate and reasonable compensation for actual damages incurred for wrongful actions by the IRS."

What I am saying is this: If the IRS comes after a taxpayer, and if they use draconian methods in an unjustified action, that not only is the taxpayer going to win but the taxpayer is going to get their costs of defending back. So that at least we are going to have the potential of an equal playing field so that we will not have taxpayers who feel that they are being attacked in an unjustified fashion. We will not have them think, "I will either pay the lawyers or I am going to pay the IRS. I might as well surrender, even though I have done no wrong." Now they can defend their rights.

It is time for Congress to heed this advice and give taxpayers the same rights that other citizens now have to seek review of, or to defend against, unjust governmental action. The IRS should be treated like every other federal agency under the law—no better and no worse.

I urge my colleagues to support this legislation to provide taxpayers with the same rights as all other citizens who are subject to unjust governmental action.

Mr. FEINGOLD. Mr. President, I am pleased to join my colleague, Senator LEAHY, the distinguished Ranking Member of the Senate Judiciary Committee, in introducing a bill today that gives American taxpayers greater ability to recover attorneys fees and other costs against the Internal Revenue Service (IRS) for unjustified civil actions and administrative proceedings under the Equal Access To Justice Act (EAJA).

Clearly, there is a need for such legislation in light of recent hearing testimony that average taxpayers have lost thousands of dollars in actual damages defending themselves against unjustified IRS actions. As the National Commission on Restructuring the Internal Revenue Service reported, current Internal Revenue Code provisions do not provide adequate relief for unjust IRS actions, much less enable many taxpayers to obtain review of IRS actions at all. I am pleased to join the Senator from Vermont in this effort to help level the playing field and help the American taxpayer recover when the IRS acts improperly.

Like other citizens who seek review of, or defend against, unjustified governmental action by Federal agencies, taxpayers who successfully defend against the IRS should be able to recover attorneys fees and other costs against when the situation warrants such an award. By providing such relief to taxpayers under the EAJA, not only does this bill help individuals recover the cost of their defense, but also helps deter future abusive actions by the IRS. The Equal Access to Justice Act has helped American citizens and small businesses recover against other federal agencies and this bill makes the IRS accountable under EAJA, just like the rest of the federal government.

My interest in the Equal Access To Justice Act predates my election to this body, dating back to my tenure as a State Senator where I worked on the Wisconsin version of EAJA. In addition to working on the Wisconsin EAJA, I have introduced in a previous Congress, and will do so again today, separate legislation to update and streamline the existing federal EAJA—to make the process of recovery less cumbersome and to help ensure that people are made whole when the government cannot defend their actions.

The federal EAJA was originally enacted in 1980 and made permanent in 1985. The Act was intended to make taking on the Federal Government in court less intimidating and I was specifically aimed at helping average citizens and small businesses that prevail against unjustified governmental actions. In my view, EAJA is an effective and valuable check on the virtually limitless power of the Federal Government.

One would assume that the typical American taxpayer is protected by the EAJA. However, this is not the case as the Act exempts all civil actions and administrative proceedings in connection with the IRS from its protections. In addition, court decisions have consistently interpreted the tax code as providing the only relief for taxpayers treated unjustly. The current system is inadequate and this legislation will help to change that untenable situation.

I want to commend my friend and colleague from Vermont for his leadership on this important issue. The legislation we are introducing today is only one step in reforming the Internal Revenue Service and making that agency more accountable to the American people. However, it is an important and essential step in that process. The American people should not have to squander their hard earned money defending against unjustified actions by federal agencies—including the IRS. I look forward to working with Senator LEAHY and the other concerned Members of this body as this legislation moves forward.

By Mr. FEINGOLD:

S. 1613. A bill to reform the regulatory process, and for other purposes; to the Committee on the Judiciary.

EQUAL ACCESS TO JUSTICE AMENDMENTS OF 1998

Mr. FEINGOLD. Mr. President, I rise today to introduce the Equal Access to Justice Reform Amendments of 1998. This legislation contains necessary improvements to existing law, the Equal Access to Justice Act, which will streamline and improve the current process of awarding attorney's fees to private parties who prevail in litigation against the government of the United States. I am introducing this legislation for the second consecutive Congress because I believe the reforms embodied in this legislation are important steps in reducing the government generated burden under which many individuals and small businesses currently operate.

Over the past few years, certainly since the elections of 1994, many Members of the Senate have taken to the floor and spoken about the importance of "getting government off the backs of the American people." We often hear about the need to reform government in very fundamental ways that effect people all across this nation. I agree and the legislation I propose here today deals directly with some aspects of the concerns we have heard in this Chamber, by assisting everyday Americans who face legal battles with the Federal Government and prevail.

At the outset, it is important to understand what the Equal Access to Justice Act is, and why it exists. The premise is very simple, EAJA places individuals and small businesses who face the United States Government in litigation, on equal footing by establishing guidelines for the award of attorney's fees when the individual or small business prevails. Quite simply, EAJA acknowledges that the resources available to the Federal Government in a legal dispute far outweigh those available to everyday Americans. This disparity is resolved by requiring the government, in certain instances, to pay the attorney's fees of successful private parties. By giving successful parties the right to seek attorney's

fees from the United States, EAJA seeks to prevent small business owners from having to risk their companies in order to seek justice.

My interest in this issue predates my election to the Senate and arises from my experience both as a private attorney and a Member of the Senate in my home state of Wisconsin. While in private practice, I became aware of how the ability to recoup attorney's fees is often the initial inquiry which must be made when deciding whether or not to seek redress in the courts. The significance of this factor should not be underestimated. Upon entering the State Senate, I authored legislation modeled on the federal law. Today, section 814.246 of the Wisconsin statutes contains provisions similar to the federal EAJA statute.

It seemed to me then, as it does now, that we should do what we can to help ease the burdens on parties who need to have their claims reviewed and decided by impartial decision makers. To this end, I have reviewed the existing federal statutes with an eye toward improving them and making them work better. I believe that my legislation does just that. The bill I am introducing today, does a number of things to make EAJA more effective for individuals and small business men and women all across this country.

One provision of my original bill that I introduced previously, raising the hourly attorneys fee cap to $125 from $75, has already been enacted as part of the Small Business Fair Treatment Act signed into law during the 104th Congress. While I am pleased that significant change was adopted, my legislation goes further by eliminating the existing "special factors" language which allowed the fee cap to be increased in certain circumstances. I believe the $125 level is consistent with the going rate and obviates the need for "special factor" language which often serves to slow the recovery process. Further, my legislation explicitly establishes a formula for calculating cost-of-living adjustments for awards and eliminates the often time consuming evaluation that was previously required in the absence of a specific standard. Both of these changes, coupled with the fee increase will work to make EAJA more efficient and effective for Americans.

Another significant factor of my legislation is the elimination of the language which allows the government to escape paying attorneys' fees even if it loses a suit but can provide a substantial justification for its action. I believe that if an individual or small business battles the federal government in an adversarial proceeding and prevails, the government should pay the fees incurred. Imagine the scenario of a person who spends countless time and money dueling with the government and prevails, only to find out that they must now undergo the additional step of litigating the justification of the underlying governmental action. For the government, with its vast resources, this additional step poses no difficulty, but for the citizen it may simply not be financially feasible. A 1992 study prepared by University of Virginia Professor Harold Krent on behalf of the Administrative Conference of the United States found that only a small percentage of EAJA awards were denied because of the substantial justification defense and that while it is impossible to determine the exact cost of litigating the issue of justification, it is his opinion, based upon review of cases in 1989 and 1990, that while the substantial justification defense may save some money awards, it was not enough to justify the cost of the additional litigation. In short, eliminating this often burdensome second step is a cost effective step which will streamline recovery under EAJA.

The final point in regard to streamlining and improving EAJA is language designed to encourage settlement and avoid costly and protracted litigation. Under the bill, the government is provided the ability to make an offer of settlement up to 10 days prior to a hearing on a fees claim. If the government's offer is rejected and the prevailing party seeking recovery ultimately wins a smaller award, that party is not entitled to attorneys' fees and costs they incurred after the date of government's offer. Again, this will speed the process and thereby reduce the time and expense of the litigation.

We all know that the American small business owner has a difficult road to make ends meet and that unnecessary or overly burdensome government regulation can be a formidable obstacle to doing business. It can be the difference between success or failure. The Equal Access to Justice Act was conceived and implemented to help overcome the formidable power of the federal government. In this regard it has helped many Americans do just that. The legislation I am offering today will make EAJA more effective for more Americans while at the same time deterring the government from acting in an indefensible and unwarranted manner.

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. 1613

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

SECTION 1. EQUAL ACCESS TO JUSTICE REFORM.

(a) SHORT TITLE.—This Act may be cited as the "Equal Access to Justice Reform Amendments of 1998".

(b) AWARD OF COSTS AND FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(a)(2) of title 5, United States Code, is amended by inserting after "(2)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the adjudicative officer may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should such party prevail.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(1)(B) of title 28, United States Code, is amended by inserting after "(B)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the court may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should such party prevail.".

(c) HOURLY RATE FOR ATTORNEY FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(A)(ii) of title 5, United States Code, is amended by striking all beginning with "$125 per hour" and inserting "$125 per hour unless the agency determines by regulation that an increase in the cost-of-living based on the date of final disposition justifies a higher fee);".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(2)(A)(ii) of title 28, United States Code, is amended by striking all beginning with "$125 per hour" and inserting "$125 per hour unless the court determines that an increase in the cost-of-living based on the date of final disposition justifies a higher fee);".

(d) PAYMENT FROM AGENCY APPROPRIATIONS.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(d) of title 5, United States Code, is amended by adding at the end the following: "Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(4) of title 28, United States Code, is amended by adding at the end the following: "Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.".

(e) OFFERS OF SETTLEMENT.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

"(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(2) JUDICIAL PROCEEDINGS.—Section 2412 of title 28, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

"(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency of the United States from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(f) ELIMINATION OF SUBSTANTIAL JUSTIFICATION STANDARD.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (a)(1), by striking all beginning with ", unless the adjudicative officer" through "expenses are sought"; and

(B) in subsection (a)(2), by striking "The party shall also allege that the position of the agency was not substantially justified.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d) of title 28, United States Code, is amended—

(A) in paragraph (1)(A), by striking ", unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust";

(B) in paragraph (1)(B), by striking "The party shall also allege that the position of the United States was not substantially justified. Whether or not the position of the United States was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought."; and

(C) in paragraph (3), by striking ", unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust".

(g) REPORTS TO CONGRESS.—

(1) ADMINISTRATIVE PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Administrative Conference of the United States shall submit a report to Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal agencies under the provisions of section 504 of title 5, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal agencies and administrative proceedings.

(2) JUDICIAL PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Department of Justice shall submit a report to Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal districts under the provisions of section 2412 of title 28, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal judicial proceedings.

(h) EFFECTIVE DATE.—The provisions of this Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to an administrative complaint filed with a Federal agency or a civil action filed in a United States court on or after such date.

By Mr. CAMPBELL:

S. 1614. A bill to require a permit for the making of motion picture, television program, or other form of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System; to the Committee on Energy and Natural Resources.

THE NATIONAL PARK SERVICE IMAGE PERMIT FEE ACT

Mr. CAMPBELL. Mr. President, today I introduce a bill that gives our National Park Service the authority to require fee-based permits for the use of the parks in the making of motion pictures, television programs, advertisements or other commercial purposes.

Our national parks are among our nation's most valuable resources. My "National Park Service Image Fee Permit Act" would help us to protect them and ensure that future generations will be able to enjoy their beauty by making sure the parks are reimbursed for their commercial use.

The Bureau of Land Management and the Forest Service already have a similar permit and fee system for commercial filming on public lands. Rocky Mountain National Park in my home state of Colorado has had twenty-five commercial filming operations take place between 1996–1997. According to park supervisors many individuals in the entertainment business are shocked at the fact that they are not currently charged for the use of our great national parks.

It makes no sense that our national parks' lands, that have been deemed to be even more precious by their designation, should be used commercially for free. This is especially important now when taxpayers are facing increased fees to enter the national parks and more and more people are enjoying our natural wonders every year in record numbers.

As the Vice-Chairman of the Parks, Historic Preservation and Recreation Subcommittee of the Senate Energy and Natural Resources Committee, I am concerned about the maintenance backlog that exists in most of our national parks. It is also no secret that the amount of federal tax dollars available for that maintenance has been dwindling for some time now.

I offer this bill as a funding vehicle for our parks to reimburse them for the administrative costs they incur by allowing the images of our precious national parks to be used in commercial ventures. This bill will not provide all of the funds needed to address the maintenance backlog in our parks, nor do I intend it to, but it will defray the real costs associated with making our parks available for commercial enterprises such as the motion picture industry.

We can all understand why Hollywood or book publishers want to use the spectacular beauty of our national parks as backdrops for their productions. My bill simply allows the National Park Service to recover the real costs of allowing such use and devoting those fees to the parks for their preservation. Common sense directs us to do this, and I believe this bill is fair for the commercial users of our parks and more importantly, for the American taxpayers.

This bill is similar to legislation introduced in the House of Representatives by my friend and colleague from Colorado, Congressman HEFLEY.

Mr. President, I have a letter from the National Parks and Conservation Association that has reviewed and endorsed this legislation. I look forward to working with the Association, other interested parties and, of course, the Committee, to deal with the maintenance backlog at our national parks.

I ask unanimous consent that the National Parks and Conservation Association letter of support and my bill be inserted in the RECORD.

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

S. 1614

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

SECTION 1. PERMITS FOR MAKING COMMERCIAL VISUAL DEPICTIONS IN UNITS OF THE NATIONAL PARK SYSTEM AND NATIONAL WILDLIFE REFUGE SYSTEM.

(a) DEFINITIONS.—In this section:

(1) COMMERCIAL VISUAL DEPICTION.—

(A) IN GENERAL.—The term "commercial visual depiction" means a visual depiction that a person produces with the intention that the depiction (or reproductions of the depiction) will be disseminated to the public in connection with a for-profit enterprise.

(B) EXCLUSIONS.—The term "commercial visual depiction" does not include—

(i) a visual depiction produced for dissemination to the public as news; or

(ii) a visual depiction produced by an individual in a limited number and intended to be sold by the individual as a work of art.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) VISUAL DEPICTION.—The term "visual depiction" means a motion picture, television program, videotape, photograph, or other form of visual depiction or any part of such a depiction.

(b) PERMIT REQUIREMENT.—A person shall not produce a commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System without first obtaining a permit from the Secretary and paying a permit fee.

(c) REGULATION.—The Secretary shall by regulation establish criteria and a procedure for determining the conditions under which a person shall be permitted to produce a commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System and the amount of a permit fee.

(d) FEE AMOUNTS.—

(1) BASIS OF IMPOSITION.—A permit fee may be imposed—

(A) in a single amount for use of any part of a unit of the National Park System and National Wildlife Refuge System or in different amounts for use of different areas within a unit;

(B) in different amounts for different forms of visual depiction; or

(C) in a set amount applicable in all cases or in a negotiated amount applicable in a particular case.

(2) AMOUNT.—

(A) MINIMUM AMOUNT.—The amount of a permit fee shall be not less than an amount that is sufficient to compensate the Secretary for all direct and indirect costs to the Secretary in accommodating the production of a commercial visual depiction (including costs of ensuring compliance with any conditions on the use of the area for production of the commercial visual depiction and costs of cleanup and restoration).

(B) OTHER CONSIDERATIONS.—In establishing the amount of a permit fee, the Secretary shall take into consideration—

(i) the extent of any inconvenience to the public that production of the commercial visual depiction may cause; and

(ii) an estimate of the amount that an owner of private property would charge for use of property that is comparable to the area in which the commercial visual depiction is to be produced.

(e) CIVIL PENALTY.—A person that produces a commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System without first obtaining a permit and paying a permit fee or that fails to comply with any condition stated in a permit shall be subject to imposition by the Secretary, after notice and opportunity for a hearing on the record, of a civil penalty in an amount not exceeding 200 percent of the amount of the permit fee.

(f) USE OF PROCEEDS.—Each amount collected by the Secretary as a permit fee or civil penalty under this section shall be retained by the Secretary and shall be available, without further Act of appropriation, for capital improvement and restoration activities in the unit in which the commercial visual depiction was produced.

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
February 3, 1998.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: I am writing to applaud your efforts to resolve a small but nettlesome issue affecting both the national parks and the American taxpayer.

For years, Hollywood and Madison Avenue production companies have been able to avail themselves of the unique resources of the national parks at well below market prices. In fact, film production companies have been required to cover only the physical cost of monitoring their activities and any remediation necessary after they leave the site. In many cases, this amount has totaled in the hundreds of dollars, compared with production budgets that total in the tens of millions of dollars and more.

At a time when the Congress has directed the National Park Service to do more in collecting entrance and recreation fees from park visitors, the current requirements for film production fees are patently unfair and must be changed. Your legislation represents a step forward in this regard and will contribute substantially to this issue as it is debated in this congress.

Again, I want to thank you for your efforts. With your help, the parks will finally enjoy a more balanced financial relationship with private film production companies.

Sincerely,

THOMAS C. KIERNAN,
President.

By Mr. CLELAND (for himself, Mr. COVERDELL, Mr. HELMS, and Mr. GLENN):

S. 1615. A bill to present a gold medal to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL LEGISLATION

• Mr. CLELAND. Mr. President, today we are introducing legislation which would authorize presentation of a Congressional Gold Medal to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith. "Heroes are made every little while," Will Rogers once said, "but only one in a million conduct themselves afterwards so that it makes us proud that we honored them at the time." The gold medal we propose would honor two American heroes for the wholesome entertainment they have given the world for six decades and for the shining example they have set as role models for America's youth. I am pleased to be joined by the distinguished cosponsors, Senators COVERDELL, HELMS, and GLENN.

For generations of Americans, Roy Rogers has been the symbol of the Western hero—a man who combines courage with honesty and impeccable integrity—who always righted wrong through straight talk and square-dealing. When asked about the roles he played on-screen, Roy once answered that he did "what I was supposed to do. I played myself. * * * When I talk about my image, there isn't anything that isn't really me. I always try to be the best that I can be." In all that we have seen or heard or read about Roy Rogers, on screen or off, the persona and the man are indeed one and the same—and in Roy Rogers we see what is best about America.

Dale Evans counts among her highest honors the Cardinal Terrence Cook Humanities Award and the California Mother of the Year. Both are tributes to two of her greatest gifts—her generosity of spirit and her strong family values. Together she and Roy have raised nine children, and they have sixteen grandchildren and 30 great-grandchildren. And the fact that most of them live near Roy and Dale's ranch outside of Victorville, California, is a testament to their devotion and strong family ties. Dale is the author of 25 books. Her most famous, "Angel Unaware", chronicles the life and death of Dale and Roy's daughter, Robin, who died from complications of Down's syndrome. The book is about loss, but it is also about the capacity to love—a quality which both Dale and Roy have in abundant measure.

Roy and Dale are an American institution—and their fans span the globe. Together they have achieved the pinnacle of success in the entertainment industry. Their movies were No. 1 at the box office. Their television series was the highest rated of its time. The episodes have been translated into every major language, and they can still be seen here in America and in markets abroad. Between the two of them they have set appearance records in every major arena in the world, including Madison Square Garden, the Los Angeles Coliseum, the Chicago Stadium, the Harringay Arena in London, and Toronto's Canadian National Exhibition. Roy once sold out Madison Square Garden 29 straight nights, and he still holds the record for the largest crowd ever to see an indoor rodeo.

It has been said that we make a living by what we get, but we make a life by what we give. Both Roy and Dale's careers have been an unqualified success, as their world-wide appeal attests. But this tells only half the story. Their appeal—which reaches to all four corners of the globe—is also the result of the values, the ethics, and the uncompromising principles by which they have lived their lives. It is our hope that we honor their worthy contributions with the Congressional Gold Medal. Should we do so, we will have honored in their time true American heroes, and our choice—to use Will Rogers' yardstick—will be validated by the ages to come.

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. 1615

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

SECTION 1. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Len "Roy Rogers" Slye and Octavia "Dale Evans" Smith in recognition of their accomplishments as entertainers and humanitarians, which include—

(1) careers in the entertainment industry that spanned 6 decades and covered such industries as music, film, television, writing, sports, and radio;

(2) acting in and producing more than 100 films, as well as their popular 10-year television show "The Roy Rogers Show", which is still seen in American and foreign markets;

(3) setting appearance records in virtually every major arena in the world, including Madison Square Garden in New York City, the Houston Fat Stock Show, the Los Angeles Coliseum, the Chicago Stadium, the Harringay Arena in London, Toronto's Canadian National Exhibition, and many State fairs and rodeos;

(4) on the part of Len Slye, once selling out Madison Square Garden 29 straight nights, holding the record for the largest crowd to

ever see an indoor rodeo, and twice attracting more than 100,000 people to rodeos in the Los Angeles Coliseum;

(5) selfless service as role models through their strong faith in Christianity as well as their devotion to their 9 children (5 by adoption and 4 by birth), 16 grandchildren, and 30 great-grandchildren;

(6) Octavia Smith's classic book "Angel Unaware", which dealt with the death from complications associated with Down's syndrome of Robin, the one child Len Slye and Octavia Smith had together; and

(7) creating the Roy Rogers-Dale Evans Museum in Victorville, California, that vividly chronicles their lives and the values and ethics that represent the basis of their worldwide appeal.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 2. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 1 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 3. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 4. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.•

By Mr. BAUCUS:

S. 1616. A bill to authorize the exchange of existing Federal oil and gas leases in the State of Montana, located in the Lewis and Clark National Forest and the Flathead National Forest, for credits in future Federal oil and gas lease sales in the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

EXCHANGE LEGISLATION

Mr. BAUCUS. Mr. President, I am pleased today to introduce a Bill that would provide the Secretary of the Interior with the authority to exchange oil and gas leases in the Badger Two-Medicine area, in the State of Montana, for credits that could be applied toward bidding or royalty payments in Montana and the Gulf of Mexico.

The area involved in this legislation is located along the Rocky Mountain Front, an area whose rich natural beauty I care deeply about. It lies south of one of the "Crown Jewels" of the National Park system, Glacier National Park. Also adjoining this area is the Blackfeet Indian Reservation and the uniquely wild and pristine Bob Marshall Wilderness Area. The Badger Two-Medicine area is undeveloped wilderness and contains many sites sacred to the Blackfeet Nation. The location of this area, its cultural value, and its undeveloped natural condition has been the focus of the decade-long debate over whether or not the oil and gas resources of the area should be developed. I myself believe that we should protect this special place for our children and grandchildren, and I have fought to do just that.

We are no closer today to resolving the question of development of the resources of this area than we were a decade ago and it is time to resolve these conflicts. During this time the ten leaseholders in the area have made investments in anticipation of being able to exercise the option of developing wells under their leases. The time has come to break this stalemate that only costs the leaseholders, the citizens concerned with protecting the area, and the government time and money without resolution. The bill that I am introducing today is fair for the landowners, the citizens of Montana and the Nation, and fair for the leaseholders.

Chevron, the largest leaseholder in the area, stated "While we would have liked to have developed our well in the Badger Two-Medicine area, we understand that the public had concerns about our proposal. Senator BAUCUS' bill breaks the deadlock and allows everyone to get on with their business".

Today I am introducing this legislation, a common sense solution to a long-standing controversy, to allow all the parties to leave this dispute as winners. The Secretary of the Interior would work with leaseholders, who have made investments over the years, to determine credits for their expenses. These credits, allowing for reinvestment in Montana, can be applied to lease bids or royalty payments in other locations where they already have active wells or where development is more likely to occur. The citizens who are concerned about the cultural and resource effects of development would see the integrity of this area maintained. The government would be able to refocus the use of its limited financial resources on management activities that have a more direct positive result than continuation of the current disputes.

This bill focuses on resolving Montana problems while looking out for the economic and natural resource interests of this State. Creating and maintaining jobs in Montana is very important to me. This bill helps save jobs. As Richard Jackson, owner of an outfitting business in the Badger Two-Medicine recently said, "This bill isn't just about saving some of our most precious wildlands; it's about saving our wildlands and Montana jobs". Montana has a unique recreational industry that has sustainable jobs that are dependent on wild untamed lands. We need to care for this wildness. I look forward to continuing work with the Governor and the Montana Delegation on innovative ideas to stimulate appropriate development of the State's rich mineral heritage while protecting its wildness and uncomparable natural beauty.

I encourage my esteemed colleagues to support this bill and look forward to working with them in their consideration.

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. 1616

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

SECTION 1. EXCHANGE OF OIL AND GAS LEASES IN THE LEWIS AND CLARK NATIONAL FOREST AND THE FLATHEAD NATIONAL FOREST, STATE OF MONTANA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior may exchange Federal oil and gas leases that are in existence and in good standing as of the date of enactment of this Act and are located in the exchange area described in subsection (b) for credits that may be used—

(1) for bids in Federal oil and gas lease sales or for royalty and rentals due under Federal leases in the central and western planning areas of the Gulf of Mexico for leases outside the zone defined and governed by section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)); or

(2) for bid, royalty, or rental payments due under Federal oil and gas leases on Federal land within the State of Montana.

(b) EXCHANGE AREA.—The exchange area referred to in subsection (a) consists of—

(1) the portions of the Lewis and Clark National Forest and the Flathead National Forest in Flathead County, Glacier County, and Pondera County, Montana (including the area known as the "Badger-Two Medicine"), as delineated on the map entitled "Exchange Area Map" and located in T. 27 N., R. 11 W., T. 28 N., R. 10–14 W., T. 29 N., R. 10–16 W., T. 30 N., R. 11–13 W., and T. 31 N., R. 12–13 W.; and

(2) the area covered by Federal oil and gas lease no. MTM–53314, in Teton County, Montana.

(c) AMOUNT.—The amount of the credits shall be based on investments made in the acquisition and development of the leases before the date of enactment of this Act and agreed to by the Secretary of the Interior and the leaseholder.

(d) WITHDRAWAL FROM MINERAL LAWS.—Subject to valid existing rights not relinquished, the exchange area described in subsection (b)(1) is withdrawn from location and entry under the mining laws and from leasing under the mineral leasing laws.

(e) EFFECT OF USE OF CREDITS.—If a person that receives a credit under subsection (a) uses the credit to pay any rental or royalty due under any Federal oil and gas lease on Federal land within the State of Montana, the Secretary of the Interior shall pay the State of Montana, from amounts received from oil and gas leases on Federal land that, but for this subsection, would be deposited in the Treasury of the United States under section 35 of the Act of February 25, 1920 (commonly known as the "Mineral Lands Leasing

Act") (41 Stat. 450, chapter 85; 30 U.S.C. 191), the amount that the State would have received under applicable law if the amount of the royalty or rental had been paid in cash.

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 859

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 990

At the request of Mr. KYL, his name was added as a cosponsor of S. 990, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging.

S. 1352

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1352, a bill to amend Rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 1605

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of 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.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) 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. LEAHY, his name was withdrawn as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) 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 RESOLUTION 173—RELATIVE TO THE PROTECTION OF REPRODUCTIVE HEALTH SERVICES CLINICS

Mrs. BOXER (for herself, Mr. CHAFEE, Ms. SNOWE, Ms. MIKULSKI, Mr. JEFFORDS, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERREY, Ms. COLLINS, and Ms. MOSELEY-BRAUN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 173

Whereas there are approximately 1000 reproductive health services clinics in the United States;

Whereas violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the January 29, 1998, bombing outside a reproductive health services clinic in Birmingham, Alabama, in which 1 person was killed and 1 person was critically injured;

Whereas the death that occurred at the Birmingham clinic was the first bombing fatality at a reproductive health services clinic in the history of the United States;

Whereas organizations monitoring clinic violence have reported over 1,800 acts of violence at reproductive health services clinics, including bombings, shootings, arson, death threats, kidnapping, and assaults;

Whereas in 1997, reproductive health services clinics reported an increase in the number of acts of violence over 1996;

Whereas in January 1997, reproductive health services clinics in Atlanta, Georgia and Tulsa, Oklahoma were bombed, resulting in several injuries;

Whereas in December 1994, 2 workers at a reproductive health services clinic were murdered and 5 others injured in an assault in Brookline, Massachusetts;

Whereas in July 1994, an abortion provider and his security escort were murdered in Pensacola, Florida;

Whereas in March 1993, a doctor providing abortion services was shot and killed in Pensacola, Florida;

Whereas Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive, and destructive conduct that is intended to injure, intimidate, or interfere with persons seeking to obtain or provide reproductive health services, and for intentionally damaging or destroying, or attempting to damage or destroy, the property of a clinic because the clinic provides reproductive health services;

Whereas violence is not a mode of free speech, is not entitled to constitutional protection, and should not be condoned as a method of expressing an opinion; and

Whereas on January 2, 1995, the President instructed the Attorney General to direct—

(1) the United States Attorneys to create task forces of Federal, State, and local law enforcement officials to develop plans to address security for reproductive health services clinics located within their jurisdictions; and

(2) the United States Marshals Service to ensure coordination between reproductive health services clinics and Federal, State, and local law enforcement officials regarding potential threats of violence: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that the Attorney General should—

(1) fully enforce the law and protect from violent attack persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services; and

(2) allocate the resources needed to accomplish the mission of the Department of Justice, including the protection of reproductive health services clinics, as described in the instruction of the President on January 2, 1995.

SEC. 2. EXPRESSIVE CONDUCT.

Nothing in this resolution shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first amendment to the Constitution of the United States.

Mrs. BOXER. Mr. President, I rise to submit a resolution condemning last week's tragic bombing of a reproductive health services clinic in Birmingham, Alabama. This vicious and unprovoked attack killed a police officer and critically injured a clinic worker.

Last week's attack was the first clinic bombing in the United States to cause a fatality, but unfortunately, it was far from the first bombing. In recent years, reproductive health services clinics have been the targets of an unprecedented terror campaign. Last year alone, clinics in Atlanta, Georgia and Tulsa, Oklahoma were bombed, resulting in many serious injuries.

This reign of terror began with the murder of Dr. David Gunn in Pensacola, Florida in 1993. A second abortion provider and his security guard were shot and killed the following year in Florida. And on the bloodiest day of the anti-choice terror campaign, two clinic workers were killed and five injured in vicious, cold-blooded shootings in Brookline, Massachusetts.

All told, over 1,800 violent attacks have been reported at reproductive health services clinics in recent years. I hope my colleagues are aware that the attacks and the level of violence in

those attacks are increasing every year.

Reproductive choice is a contentious issue. I know that many of my colleagues feel very strongly that abortion should be outlawed in America, and although I strongly disagree, I respect their views and I hope they respect mine. But this resolution is not about choice; it is about violence. I know that not a single one of my colleagues believes that murder, bombing, terror and acts of intimidation are appropriate ways to express political views.

These bombings are a part of a terrorist campaign—a campaign designed to destroy a woman's right to choose through violence. The United States Senate must condemn these attacks as strongly and unequivocally as we condemn other acts of terrorism—both here and around the world.

In addition to condemning the attack, this resolution expresses the Sense of the Senate that the Attorney General should fully enforce existing laws to protect the rights of American women seeking care at reproductive health services clinics.

I am proud to be joined in this effort by a distinguished, bipartisan group of Senators. I hope the Senate can move quickly on this resolution and pass it as early as today.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, February 5, 1998, in open session, to receive testimony on the defense authorization request for fiscal year 1999 and the future years defense program.

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

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, February 5, 1998 beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FRIST. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider the nominations of Donald J. Barry, nominated by the President to be Assistant Secretary for Fish and Wildlife, Department of the Interior, and Sallyanne Harper, nominated by the President to be Chief Financial Officer, Environmental Protection Agency, Thursday, February 5, immediately following the first Senate vote in the President's room (S–216).

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

ADDITIONAL STATEMENTS

WILLIAM T. FRAIN JR., GREATER MANCHESTER CHAMBER OF COMMERCE CITIZEN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate William T. Frain Jr., a distinguished individual, for being named Greater Manchester Chamber of Commerce Citizen of the Year for 1997. I commend his consistent drive and aggressive encouragement to improve the quality of life for his fellow citizens.

William has held many officer roles as well as been a member of many organizations. To name a few, he has been involved in the Board of Directors of the Greater Manchester Chamber of Commerce, New Hampshire Business Committee for the Arts, and New Hampshire Better Business Bureau. He also devotes a great deal of time to civic and charitable endeavors including the Easter Seal Society, Junior Achievement, The Humanities Council and Bishop of Manchester's Summer Reception Fund Committee. These are just a few organizations with which he has spent countless hours and dedicated service. This impressive list goes on and he should be very proud of these contributions.

William has enthusiastically worked with more than twenty organizations, countless residents and employees, and developed a considerable portfolio of citizenship. Four words come to mind that best represent what William is trying to strengthen: community, teamwork, partnership, and development. These are terms that bind all Americans together and strengthen the unity of this great country.

These words best exhibit the tools he employs to bring about positive change and as a leader, encouraging others to rise to the calling of citizenship. Yet, William is not just a great citizen, but a defender of companionship and a visionary of better communities.

William's commitment to each organization he represents is extremely solid and substantial. He gives it his all and inspires others to follow his lead. His actions and beliefs have become a catalyst for significant change resulting in profound achievements. Mr. President, I want to congratulate William for his outstanding work and I am proud to represent him in the U.S. Senate.•

VERMONT OLYMPIANS

• Mr. LEAHY. Mr. President, I would like to take a moment to honor the twenty-two Vermonters who will be representing our country this week at the XVIIIth Winter Olympics in Nagano, Japan. Perhaps Chris Graff of the Associated Press said it best when he noted in an article that appeared in the Rutland Herald that Vermont produces more than its share of Olympians, ". . . a fact that should surprise no one. There is something about Vermonters and the Vermont spirit that is so keenly associated with the Olympic spirit." Maybe it is the mix of severe weather, Yankee stubbornness, and that New England work ethic that instills in Vermonters an appreciation for hard work and perseverance.

Representing Vermont on the U.S. Men's Ice Hockey Team is the now famous John LeClair from St. Albans. LeClair may play professional hockey for the Philadelphia Flyers, but he has never forgotten his roots in the small city of St. Albans. John donates his time and expertise to the people of Franklin County throughout the year. His skill and All-American image have brought civility and a touch of New England neighborliness to the most unlikely of sports. For the first time ever, the National Hockey League is competing in the Olympics. Vermonters are rooting for John LeClair to leave a lasting impression.

If there is one thing Vermonters excel at it is getting through snow, so it makes sense that Vermont is well represented on the U.S. Olympic Cross Country Ski Teams. Four Vermonters will be on the team: Marc Gilbertson and Laura Wilson of Montpelier, Kerrin Petty from Townshend, and Suzanne King of East Warren. This is Marc's first time as a member of a U.S. national team and I admire his grit in going after his Olympic dream. Laura, Kerrin, and Suzanne will bring experience to the women's team and are aiming to show the world what Vermont women are made of.

The Nordic Combined event has Norwich native Tim Tetreault competing. Tim's parents Tom and Anne will be going to Japan this week to watch their son, who has been skiing since he was five, compete in his third Olympic games. The Freestyle U.S. Ski teams also include four skiers and a head coach from Vermont. Ann Battelle from Williston got hooked on skiing during her years at Champlain Valley Union High School and has never looked back. Jim Moran of Stowe and Evan Dybvig of Turnbridge, who have both spent many cold hours conquering the slopes of Stowe, will also be competing. Donna Weinbrecht, another team member, knows well all the steep trails and sharp twists at Killington Mountain. The four will be joined by coach Jeff Good from Williston.

Skiing comes naturally for Vermonters, but add a rifle and you have a sport Vermonters can really get behind! Seven Vermonters will be doing just that on the U.S. Biathlon teams—Dan Westover from Colchester, Robert Rosser of Underhill, Kristina Viljanen-

Sabasteanski of Richmond, Deborah Nordyke from Jericho, Kara Salmela of Bolton Valley, Algis Shalna (head Coach) from Williston, and Timothy Derrick (assistant Coach) of Jericho. Head Coach Shalna brings with him Olympic experience having competed for the Soviet Union's Gold Medal winning team in the 1984 Winter Olympics. The group has been training at a state-of-the-art Vermont National Guard facility in Jericho—which will be hosting the World Junior Biathlon Championships just after the Olympics.

New to the Olympics but familiar to Vermont is snowboarding. As the birthplace of this sport and home to Jake Burton's renowned snowboard company, it is appropriate that Vermont will be sending three talented competitors as part of the first U.S. Snowboarding Team. Ross Powers from South Londonderry, Ron Chiodi of Rochester, and Betsy Shaw of East Dorset will be traveling to Nagano this week. Ross knows all about travel since snowboarding has taken him all over the world. He will celebrate his nineteenth birthday on February 10th and be joined by his mother, Nancy, in Japan. East Dorset will be cheering for their neighbor, Betsy, who has "surfed" mountains all over the globe but knows the ones in southern Vermont best. Ron too will bring his Vermont experience at Stratton Mountain with him to the Olympics.

Also going to Nagano, Japan is Vermonter Kathryn Vigesna Lipke of Belvidere. She will be serving as one of five international jurors who will judge the snow-sculpting competitions. Having lived in the mountains of Belvidere with its snowy peaks and dense woods, Kathryn will make an excellent judge of cold weather beauty.

I am truly proud of the athletes Vermont is sending to the Olympics. I commend them for their hard work and the example they set for Vermonters and for athletes everywhere, and join all Vermonters in wishing them the best in the 1998 Winter Olympics.•

PROTECTION OF THE AMERICAN FLAG FROM PHYSICAL DESECRATION

• Ms. SNOWE. Mr. President, I am proud to join Senators HATCH, CLELAND, and others in cosponsoring the proposed constitutional amendment to grant the States and Congress the power to prohibit the physical desecration of the flag of the United States. Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom and democracy. As a national emblem of the world's greatest democracy, the American flag should be treated with respect and care. I have long held that our free speech rights do not entitle us to consider the flag as merely personal property, to be treated any way we see fit, including its desecration for the purpose of political protest. I want to commend Senator HATCH for once again leading us in this very worthwhile cause.

Mr. President, with the introduction of this resolution, we resume our effort to protect the greatest symbol of the American experience. There is no more powerful symbol of freedom, democracy, and our commitment to those principles that the American flag, and it is altogether just that we try to ensure that it is publicly displayed with pride, dignity, and honor. Make no mistake, Mr. President, the flag is not merely a visual symbol to us, nor should it be. Too many Americans have contributed too much of their labor, their passion, and in some cases their very being for it to be so simply regarded. For the flag permeates our national history and relays the story of America in its simplest terms. Indeed, knowing how the flag has changed—and in what ways it has remained constant—is to know the history and hopes of this country.

More than 220 years ago, a year after the colonies had made their historic decision to declare independence from Britain, the Second Continental Congress decided that the American flag would consist of 13 red and white alternating stripes and 13 white stars in a field of blue. These stars and blue field were to represent a new constellation in which freedom and government of the people, by the people and for the people would rule. As we all know, the constellation has grown to include 50 stars, but the number of stripes has remained constant. In this way, the flag tells all who view it that no matter how large America may become, it is forever rooted in the bedrock principles of freedom and self-government that led those first 13 colonies to forge a new nation.

Equally important is the fact that the flag also represents our commitment to these ideals. This commitment has exacted a high human toll, for which many of America's best and brightest have given their last full measure of devotion. It is in their memories and for their commitment to America's ideals that I am proud to support the amendment introduced yesterday.

The amendment is necessary because the Supreme Court, in its 1990 U.S. verses Eichman ruling, held that burning the flag in political protest was constitutionally protected free speech. No one holds our right to free speech more dearly than I do, Mr. President, but in my view, the Eichman decision unnecessarily rejects the deeply held reverence in which millions of Americans hold our flag. With all the forums for public opinion available to Americans every day, from television and radio, to newspapers and Internet chat rooms, Americans are afforded ample opportunity to freely and fully exercise their legitimate, constitutional right to free speech, even if what they have to say is overwhelmingly unpopular with a majority of American citizens. Simply put, protecting the flag from desecration poses no serious threat to the exercise of free speech in America.

We must also remember that this constitutional amendment is carefully drafted to simply allow the Congress and individual State legislatures to enact laws prohibiting the physical desecration of the flag, if they so choose. It certainly does not stipulate or require that such laws be enacted, although many States and the Federal Government have already demonstrated widespread support for doing so. In fact, prior to the Supreme Court's rulings on this issue, 48 States, including my own State of Maine, and the Federal Government has anti-flag-burning laws on their books for years. So really what we do with this resolution is give the American flag the protection that almost all the States, the Federal Government, and a large majority of the American people have already endorsed.

Protecting the flag also enjoys widespread support in Congress. During the 104th Congress, the House of Representatives overwhelmingly passed a flag protection resolution, and 63 Senators supported a resolution identical to this one. Just last year, the House or Representatives, to its credit, reaffirmed its commitment to the sanctity of the American flag by once again passing a flag protection resolution with ease. Now it is time for the Senate to show a similar commitment.

Whether our flag is flying over Fenway Park, a military base, a school, or on a flag pole on Main Street, the stars and stripes have always represented the ideals and values that are the foundation of this great Nation. Our flag has come to not only represent the pride we have for our Nation's past glories, but also to stand for the hope we all harbor for our Nation's future. Mr. President, it is with this pride and hope that I urge my colleagues to support this amendment.

PAYMENT OF AN EQUITABLE CLAIM TO DR. BEATRICE BRAUDE

• Mr. MOYNIHAN. Mr. President, I rise today with good news. We have at long last seen a measure of justice in a case which brings back memories of an awful time in our nation's history.

In 1953 Dr. Beatrice Braude, a linguist, was wrongfully dismissed from her position at the United States Information Agency and was subsequently blacklisted by the Federal government as a result of accusations of disloyalty to the United States. The accusations were old. Two years earlier the State Department's Loyalty Security Board had investigated and unanimously

voted to dismiss them. The Board sent a letter to Dr. Braude stating "there is no reasonable doubt as to your loyalty to the United States Government or as to your security risk to the Department of State." Despite this, her name was not cleared.

Dr. Braude was terminated one day after being praised for her work and informed that she would probably be promoted. She was told that her termination was due to budgetary constraints, but the truth was that she was selected for termination because of the old—and answered—charges against her. Because she did not know the real reason for her dismissal, she was denied certain procedural rights, including the right to request a hearing.

Over time she grew suspicious. When she was unable, over the course of several years, to secure employment anywhere else in the Federal government—even in a typing pool despite a perfect score on the typing test—she became convinced that she had been blacklisted. The Privacy Act of 1974 enabled her to obtain her government files and confirm her suspicions. She invested much time and energy fighting to regain Federal employment and restore her reputation. She was partially successful. In 1982, at the age of 69, she was hired as a language instructor in the CIA. Sadly, she still had not been able to clear her name by the time of her death in 1988. The irony of the charges against Dr. Braude is that she was an anti-communist, having witnessed first-hand Communist-sponsored terrorism in Europe while she was an assistant cultural affairs officer in Paris and, for a brief period, an exchange officer in Bonn during the late 1940's and early 1950's.

Mr. President, I have reviewed the charges against Dr. Braude before on the floor of the Senate, but I think that they merit repeating because they are illustrative of that dark era and are instructive to us even today. There were a total of four charges. First, she was briefly a member of the Washington Book Shop on Farragut Square that the Attorney General later labeled subversive. Second, she had been in contact with Mary Jane Keeney, a Communist Party activist employed at the United Nations. Third, she had been a member of the State Department unit of the Communist-dominated Federal Workers' Union. Fourth, she was an acquaintance of Judith Coplon.

With regard to the first charge, Dr. Braude had indeed joined the Book Shop shortly after her arrival in Washington in 1943. She was eager to meet congenial new people and a friend recommended the Book Shop, which hosted music recitals in the evenings. I must express some sensitivity here: my F.B.I. records report that I was observed several times at a "leftist musical review" in suburban Hampstead while I was attending the London School of Economics on a Fulbright Fellowship.

Dr. Braude was aware of the undercurrent of sympathy with the Russian cause at the Book Shop, but her membership paralleled a time of close U.S.-Soviet collaboration. She drifted away from the Book Shop in 1944 because of her distaste for the internal politics of other active members. Her membership at the Book Shop was only discovered when her name appeared on a list of delinquent dues. It appears that her most sinister crime while a member of the book shop was her failure to return a book on time.

Dr. Braude met Mary Jane Keeney on behalf of a third woman who actively aided Nazi victims after the war and was anxious to send clothing to another woman in occupied Germany. Dr. Braude knew nothing of Keeney's political orientation and characterized the meeting as a transitory experience.

With regard to the third charge, Dr. Braude, in response to an interrogatory from the State Department's Loyalty Security Board, argued that she belonged to an anti-Communist faction of the State Department unit of the Federal Workers' Union.

Remember that the Loyalty Security Board investigated these charges and exonerated her.

The fourth charge, which Dr. Braude certainly did not—or could not—deny, was her friendship with Judith Coplon. Braude met Coplon in the summer of 1945 when both women attended a class Herbert Marcuse taught at American University. They saw each other infrequently thereafter. In May 1948, Coplon wrote to Braude, then stationed in Paris and living in a hotel on the Left Bank, to announce that she would be visiting shortly and needed a place to stay. Dr. Braude arranged for Coplon to stay at the hotel. Coplon stayed for 6 weeks, during which time Dr. Braude found her behavior very trying. The two parted on unfriendly terms. The friendship they had prior to parting was purely social.

Mr. President, Judith Coplon was a spy. She worked in the Justice Department's Foreign Agents Registration Division, an office integral to the FBI's counter-intelligence efforts. She was arrested early in 1949 while handing over notes on counterintelligence operations to Soviet citizen Valentine Gubitchev, a United Nations employee. Coplon was tried and convicted—there was no doubt of her guilt—but the conviction was overturned on a technicality. Gubitchev was also convicted but was allowed to return to the U.S.S.R. because of his quasi- diplomatic status.

Judith Coplon was a spy. Beatrice Braude was not. We know that Judith Coplon was not alone as a Soviet spy; though there were not as many as one might have imagined given the American response. In 1956, Edward A. Shils captured the overreaction to Communist activities in the United States in his fine, small study, The Torment of Secrecy: The Background and Consequences of American Security Policy. "The American visage began to cloud over," Shils wrote. "Secrets were to become our chief reliance just when it was becoming more and more evident that the Soviet Union had long maintained an active apparatus for espionage in the United States. For a country which had never previously thought of itself as an object of systematic espionage by foreign powers, it was unsettling."

The larger society, Shils continued, was "facing an unprecedented threat to its continuance." In these circumstances, "The fantasies of apocalyptic visionaries * * * claimed the respectability of being a reasonable interpretation of the real situation." A culture of secrecy took hold within American government, while a hugely divisive debate raged in the Congress and the press.

The public now divided. There were those who perceived of treason on every hand, and so we witnessed the spectacle of Senator Joseph McCarthy making such accusations of George C. Marshall. Charges and counter-charges of Communist conspiracies proliferated.

A balanced history of this period is now beginning to appear, but at the time, the American government and the American public was confronted with possibilities and charges, at once baffling and terrifying. A fault line appeared in American society that contributed to more than one political crisis in the years that followed.

The first fact is that a significant Communist conspiracy was in place in Washington, New York, and Los Angeles, but in the main those involved systematically denied their involvement. This was the mode of Communist conspiracy the world over.

The second fact is that many of those who came to prominence denouncing Communist conspiracy, accusing suspected Communists and "comsymps," clearly knew little or nothing of such matters. And in many instances, just as clearly were not in the least concerned. And so while there were spies like Coplon who were caught, there were also innocent people who, having been accused, were unable to remove the stain. Dr. Braude is one such.

My involvement in Dr. Braude's case dates back to early 1979, when she came to me and my colleague at the time, Senator Javits, and asked us to introduce private relief legislation on her behalf. In 1974, after filing a Freedom of Information Act request and finally learning the true reason for her dismissal, she filed suit in the Court of Claims to clear her name and seek reinstatement and monetary damages for

the time she was prevented from working for the Federal government. The Court, however, dismissed her case on the grounds that the statute of limitations had expired. On March 5, 1979, Senator Javits and I together introduced a bill, S. 546, to waive the statute of limitations on Dr. Braude's case against the U.S. government and to allow the Court of Claims to render judgment on her claim. The bill passed the Senate on January 30, 1980. Unfortunately, the House failed to take action on the bill before the 96th Congress adjourned.

In 1988, and again in 1990, 1991, and 1993, Senator D'AMATO and I re-introduced similar legislation on Dr. Braude's behalf. Our attempts met with repeated failure. Until at last, on September 21, 1993, we secured passage of Senate Resolution 102, which referred S. 840, the bill we introduced for the relief of the estate of Dr. Braude, to the Court of Claims for consideration as a congressional reference action. The measure compelled the Court to determine the facts underlying Dr. Braude's claim and to report back to Congress on its findings.

The Court held a hearing in November 1995 and on March 7, 1996 Judge Roger B. Andewelt issued his verdict that the USIA had wrongfully dismissed Dr. Braude and intentionally concealed the reason for her termination. He concluded that such actions constituted an equitable claim for which compensation was due. Forty-three years after her dismissal from the USIA and 8 years after her death, the Court found in favor of the estate of Dr. Braude.

Justice Department attorneys reached a settlement with lawyers representing Dr. Braude's estate concerning the monetary damages. In due time, $200,000 in damages were appropriated by Congress.

I am happy to report that Beatrice Braude's estate has just received a check from the Department of Justice. Fully forty-five years after her wrongful dismissal and ten years after her death, Beatrice Braude's reputation has been restored and the United States government has paid her estate for the damages it inflicted during a dark period of our history. The money will be donated to Hunter College, the institution from which Dr. Braude received her bachelor's degree. Happily, students at Hunter College are now learning a more balanced history of the Cold War. We are now not in the least concerned about the infiltration of the government by ideological enemies. With the end of the Cold War we are able to learn much more of the facts of the Communist threats we faced. Our response to that threat was certainly mixed and I am pleased that we have been able to set the matter of Beatrice Braude to right.

Senator D'AMATO and I wish to express our profound gratitude to Joan L. Kutcher and Christopher N. Sipes of Covington & Burling, two of the many lawyers who have handled Dr. Braude's case on a pro bono basis over the years. It is thanks to their tireless dedication that history has been made and Dr. Braude's name has been cleared.

I ask that an article appearing in the January 26, 1998 issue of the Washington Post, "45 Years Later, U.S. Pays Up," be printed in the RECORD.

The article follows:

[From the Washington Post, Jan. 26, 1998]

UPDATE ON THE NEWS

(By Cindy Loose)

45 YEARS LATER, U.S. PAYS UP

It has taken awhile for the $200,000 U.S. government check for Beatrice "Bibi" Braude to show up—45 years, reckoned from the time she was fired from the United States Information Agency, where she translated French newspapers.

It has been 23 years since the Freedom of Information Act opened government files and she was able to confirm her suspicions: that the Office of Security recommended that she be fired, citing a report from an FBI informant that Braude was in contact with a communist in November 1946 and that she had visited a leftist book store.

A decade has passed since Braude died at the age of 75. Most of the government officials involved in her firing are also dead.

Braude was among 1,500 federal employees dismissed for similar associations and accusations from 1953 to 1956, and 6,000 others resigned under pressure of security and loyalty inquiries, according to experts. No one, however, fought back as long and as hard as Braude.

A lawsuit she filed bounced around various courts for years until the U.S. Claims Court ruled that the statute of limitations had run out. She then persuaded New York Sens. Daniel Patrick Moynihan (D) and Alfonse D'Amato (R) to sponsor legislation that mandated review of the case by the U.S. Court of Federal Claims.

The Justice Department fought the case, saying that the government should not be judged by today's standards and that perhaps Braude had failed to find employment for years because she was a woman, and over age 40.

However, Judge Roger B. Andewelt ruled about two years ago that Braude was a loyal American who had been unlawfully persecuted and that she had an "equitable claim" based on tort law, which recognizes moral wrongdoing. He ordered the Justice Department to negotiate an award with attorneys from Covington and Burling, a D.C. law firm that continued to fight Braude's case pro bono after her death.

The lawyers settled on $200,000, and in November, Congress approved the funds as part of a spending bill for the Justice Department. Braude's brother, 79-year-old Theodore Braude, said he was told last week that the check to be paid to Braude's estate is in the mail.

"Immediately on receipt it will be copied and framed," Braude said. "The most important thing is that her name was cleared, that the government admitted an injustice. That makes a whole lot of us feel better."•

TRIBUTE TO THE BOY SCOUTS OF AMERICA ON THE OCCASION OF THE 88TH ANNIVERSARY OF ITS FOUNDING

• Mr. GRAMS. Mr. President, I rise today to pay tribute to the Boy Scouts of America (BSA) on the occasion of the 88th Anniversary of its founding on February 8, 1998.

At the turn of the century in England, Robert Baden-Powell, an outdoor enthusiast and a veteran of the British Army's campaigns in Africa, published a nature skills book intended for young people to expose them to the rewards offered by a working knowledge of nature. The book was titled "Scouting for Boys" and was based on survival manuals Baden-Powell authored during his military career. Shortly after the book's publication, Baden-Powell led a group of 22 boys on a scouting exhibition on Brownsea Island, off the coast of England, for the purpose of applying the principles contained in the book.

From that original group of 22 sprang forth a movement which now boasts over 5 million members in this country alone, and continues to grow each year. In my home state of Minnesota, the Viking Council of the Boy Scouts of America serves over 57,000 youths between the ages of 5 and 20, making it the 21st largest of the 335 Boy Scout Councils in this country.

Participation in the Boy Scouts of America gives young people a sense of self-worth and satisfaction that is the product of setting and accomplishing goals, and being a part of a winning team. Such experiences cultivate discipline and a sense of responsibility that are assets for life.

By cooperating with peers to achieve a common end, Scouts learn valuable lessons in leadership. Countless civic, professional, and community leaders throughout our Nation were involved in the Boy Scouts of America as youths, including 302 members of the 104th Congress.

Through programs like the "Urban Scouting Emphasis," which has over 4,300 participants in urban Minneapolis, the Boy Scouts of America is bringing its valuable life lessons to inner city youth who are particularly at risk of falling victim to the entrapments of the streets. The Boy Scouts of America offers a place where young people can gain a sense of belonging and loyalty that they may otherwise seek to find in street gangs. Furthermore, the importance of programs like "Urban Emphasis" is amplified when considering the annual cost per youth served by Viking Council is $58.31, whereas the cost of housing a juvenile offender is $100.00 per day.

Of course all the forementioned would hardly be possible without the adult volunteers who are the foundation of the Boy Scouts of America. Currently there are over 1.3 million men

and women nationwide who, in the spirit of Robert Baden-Powell, graciously give their time and talents to ensure that the youth of society grow into well-adjusted adults. Adult volunteers touch the lives of young people by serving as excellent role models and teachers, as well as caring friends.

The Boy Scouts' objectives are defined in the "Aim of Scouting" as being character development, citizenship training, and personal fitness. On the surface, these aims may seem simplistic, yet many have forgotten the importance of these principles. Thankfully, these principles continue to prosper in the Boy Scouts of America.

Mr. President, for 88 years the Boy Scouts of America has been teaching the value of community, Nation, and Creator to our Nation's youth. This is truly grounds for celebration.•

AMENDING THE CONSTITUTION TO PROHIBIT FLAG DESECRATION

• Mr. HAGEL. Mr. President, I rise today to speak in support of Senate Joint Resolution 40, introduced yesterday by my distinguished colleague from Utah, Senator ORRIN HATCH, proposing an amendment to the Constitution authorizing Congress to prohibit the physical desecration of the American Flag.

From the birth of our nation, the Flag has represented all that is good and decent about our country. Whether it be the battlefields of Bunker Hill and Gettysburg, the trenches of Flanders Field, the shores of Normandy, the rugged terrain of Korea, the jungles of the Mekong, or the desert of Kuwait—the Stars and Stripes led young Americans into battle. Proud young soldiers would carry it high, and if they should fall another would be right there to pick up Old Glory and carry it forward. It may have been tattered by the battle and singed by fire of war, but the American flag burned as a guiding beacon of hope and freedom for our young men and women. For those who paid the ultimate price for our nation, the Flag blanketed their journey and graced their final rest place.

You see, Mr. President, the Flag is not just a piece of cloth. The "broad stripes and bright stars" shining through the "rockets' red glare" inspired Francis Scott Key to write the Star Spangled Banner. It is a symbol so sacred to our nation that we teach our children not to let it touch the ground. It flies over our schools, our churches and synagogues, our courts, our seats of government and homes across America. The Pledge of Allegiance unites all Americans regardless of race, creed or color. The flag is not just a symbol of America, it is America.

Those who oppose this legislation say that it impinges on freedom of speech and violates our Constitution. In my view this is a hollow argument. There are many limits placed on "free speech," including limiting yelling "fire" in a crowded theater. Other freedoms of speech and expression are limited by our slander and libel laws.

In 1989 and 1990 the Supreme Court of this great nation struck down flag protection laws by narrow votes. The Court has an obligation to protect and preserve our fundamental rights as citizens. However the American people understand the difference between freedom of speech and "anything goes."

When our citizens disagree with our national policy, there are a number of options available to them other than destroying the American Flag to make their point. Let them protest, let them write to their newspaper, let them organize, let them march, let them shout to the rooftops—but we should not let them burn the Flag. Too many have died defending the Flag for us to allow it to be used in any way that does not honor their sacrifice.

Mr. President, in a day where too often we lament what has gone wrong with America, it's time to make a stand for decency, for honor and for pride in our nation. Just as the Flag has wrapped itself around the hearts and souls of our nation, let us now wrap the protection of our Constitution around the Flag.•

ORDERS FOR MONDAY, FEBRUARY 9, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, February 9, and immediately following the prayer the routine requests through the morning hour be granted, and that there then be a period for morning business until 12 noon, with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator KYL for 10 minutes, Senator BYRD for 20 minutes, and Senator HAGEL for 20 minutes.

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

Mr. LOTT. Mr. President, I ask unanimous consent that, at noon, the Senate resume consideration of the Satcher nomination for up to 6 hours of debate, as under the previous order.

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

PROGRAM

Mr. LOTT. Mr. President, the Senate will not be in session tomorrow, but will convene on Monday, as I have just indicated, February 9—although no rollcall votes will occur on Monday—so that the debate can go forward on the Satcher nomination for the position of Assistant Secretary of HHS and Surgeon General.

As a reminder to all Members, the next rollcall vote will occur then on invoking cloture on the Satcher nomination, if necessary, and I presume it will be at 11 a.m. on Tuesday, February 10. If cloture is invoked on that nomination, a second vote would occur immediately on the confirmation of the nomination. Also, a cloture motion was filed on the motion to proceed to the cloning legislation; therefore, that vote will occur on Tuesday as well.

RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. LOTT. Mr. President, I ask unanimous consent that the Record remain open until 4 p.m. today for Members to introduce legislation and to submit statements for the RECORD.

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT REAUTHORIZATION

Mr. LOTT. Mr. President, in conclusion, before I take the Senate out following the statement of Senator KENNEDY, I want to briefly comment on some statements that have been made today and yesterday here and in other arenas and forums. There are those saying we should immediately bring up the ISTEA highway bill.

First, I want to remind the Senate that I urged the House and the Senate and interested parties to do this bill last year when it should have been done, because it expired last year. That is No. 1. No. 2, because it was not an election year and I knew, if we waited until this year, we would have less time and more pressure as we try to decide how $175 billion or more is fairly distributed across the country.

I remind the Senators of that, and they know now and they knew then that I was right. I stood right here and filed not one, not two, not three, but four cloture motions to try to bring to a conclusion unrelated debate and delays based on pure politics, if I may suggest, but for an unrelated issue. I kept saying we need to deal with this bill, and others kept saying, "Until you agree to what we want on an unrelated issue, we are not going to let you bring up ISTEA."

That was a mistake. The Senate made a mistake. Now some of the same people not voting to bring it up last year are saying, "Where is it? Please bring it up," demanding that it be brought up right away.

Well, the world is different now. A lot has happened. For one thing, we find that we may actually have a little more money than we anticipated last year. There are very few Senators that have a longer history of having voted to spend the highway trust fund for the purpose it was intended—highways. There are very few places where I think the Government should be involved in

spending money. Defense is one and budding infrastructure is the other. This is a place where people can't do it by themselves. The Government has to do its part.

So I want this. I want more money. But I also have a responsibility as majority leader to look at this from the standpoint of how does it relate to the overall budget? How is it going to affect all these other programs? And what we did last year—we stood out here in the rotunda and said that we had reached an agreement with the President of the United States on a balanced budget, on how to control taxes and how to control spending. We entered into an agreement. We entered into an agreement in every category across the board. We said we will spend this much on transportation, this much on education, this much on housing, interior, energy, right across the board.

Now, if we open the year up by raising spending, without looking at how it will affect everything else, we could break the dam and have another avalanche of spending. I am not saying it will happen. I am not saying how it should happen. I am just saying we should take our time and see what's going to happen before we charge forward. Why does the Senate need to do this when the House is not going to act? They are not going to act this month and not until at least the end of next month. I tried to get the Senate to show leadership and to lead and go first. The Senate would not do it. Now, let's act in concert.

Let's work with the House. Let's do this together. Nobody wants to bring this up more than I do. But my responsibility as majority leader is to make sure that we have thought it through and know what the impact will be on a budget agreement that we gave our word to the American people on. I intend for us to keep it, and I will do everything I can to get that result.

ORDER FOR ADJOURNMENT

Mr. LOTT. 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 following the remarks of Senator KENNEDY.

Mr. President, the Senator is in the area. He will return shortly I am sure to give his remarks. I observe the absence of a quorum until he can return.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

NOMINATION OF DR. SATCHER

Mr. KENNEDY. Mr. President, first of all, I want to express the appreciation of all of us to the majority leader for scheduling this nomination promptly in this session. I thank the majority leader for scheduling this Satcher nomination, and also for filing the cloture motion.

We had an opportunity to make the presentation, and the excellent presentation by Senator FRIST yesterday, which I thought was just so compelling. There were those who took some issue with the record of Dr. Satcher. But I do believe that at the end of the day yesterday the membership would be convinced of the quality of this extraordinary nominee and the incredible opportunity that all America has for his service when he is confirmed, which I expect will be on Tuesday next.

So we look forward to the opportunity to vote and to hopefully see Dr. Satcher in that important position.

In response to questions raised yesterday, I also am including a copy of a letter from Dr. Harold Varmus, Director of the National Institutes of Health, to Senator ASHCROFT regarding studies of maternal-to-infant transmission of HIV in developing countries.

I ask unanimous consent that these materials be printed in the RECORD.

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES, NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, February 3, 1998.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC

DEAR SENATOR ASHCROFT: Your "Dear Colleague" letter criticizing Dr. David Satcher's support for studies of maternal-to-infant transmission of HIV in developing countries has been brought to my attention. I am writing to offer a different view of the situation from my perspective as the Director of the National Institutes of Health, a sister agency in the Department of Health and Human Services that also conducts studies to prevent transmission of HIV in the developing world.

Virtually all parties involved in this difficult issue acknowledge that there are many factors to be considered in determining whether to use a placebo-controlled group in a clinical trial; several of these factors are discussed in an attached article from the New England Journal of Medicine, co-authored by Dr. Satcher and me a few months ago. For the trials in question, the general design of the studies was carefully considered by the World Health Organization and the Joint United Nations Program on HIV/AIDS, and the specific studies we support have been reviewed and approved by duly constituted Institutional Review Boards in the United States and in the countries in which the studies are being performed.

The essential point is that the studies are designed to provide information useful to the management of HIV infection in the countries in which the studies are done; to act otherwise and generate knowledge applicable only in wealthier parts of the world would, in my opinion, be exploitative of the subjects of the study. Viewed in this context, it is entirely appropriate that we are supporting studies in the developing world that would not be conducted in the United States.

The article to which you allude in your "Dear Colleague" letter, by Dr. Marcia Angell, the Deputy Editor of the New England Journal of Medicine, presents a view that is not generally accepted in the medical community. Indeed her views have been strongly contested by many knowledgeable physicians, scientists, and ethicists, including some members of the Editorial Board of the Journal who have offered their resignations in protest. (The enclosed essay by Dr. Satcher and me was also written in response to Dr. Angell's article.)

Finally, I must take issue with the contention that the current CDC- and NIH-supported trials are similar to the infamous Tuskegee study. In that study, the course of a disease (syphilis) was observed without attempts to intervene, and informed consent was neither sought nor obtained from the research subjects. In the current studies, the goal is to find useful means to prevent transmission of HIV, the studies are closely supervised by many knowledgeable people, and informed consent has been obtained from each enrolled individual. The analogy to Tuskegee is inappropriate and distracting.

I appreciate that there are legitimate concerns about the ethical conduct of clinical trials in developing countries, but the debates need to be described in a fashion that gives due consideration to the arguments on both sides. Furthermore, Dr. Satcher's position on these trials should not, in my opinion, constitute grounds for opposing his nomination to be Surgeon-General of the United States. Indeed, even Dr. Sidney Wolfe of Public Citizen, one of the strongest critics of the position Dr. Satcher and I have taken, is an ardent supporter of Dr. Satcher's nomination.

I offer these comments on your letter in hopes that they will be useful to you and your colleagues in considering Dr. Satcher's nomination to this important post.

Sincerely,

HAROLD VARMUS, M.D.,
Director, NIH.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT REAUTHORIZATION

Mr. KENNEDY. Mr. President, I want to join Senator BYRD and others who were speaking today in support of prompt action on an issue of major importance to the country—the ISTEA reauthorization that will set the country's course for the next six years on transportation policy and investments.

I noticed the majority leader had indicated that there were some differences about the consideration of that proposal last year.

But the fact of the matter remains that when I look over what we are involved in outside of the Dr. Satcher nomination, it seems that we certainly would have the opportunity for the consideration of the ISTEA reauthorization. And looking over the anticipated schedule, I would think that we could deal with this, and deal with it appropriately, certainly before the February recess. I don't know what

else has been placed on the schedule prior to that time next week. Certainly we would make time for any kind of consideration or resolution on the issues of Iraq. But barring that, it would seem to me that reauthorization could be dealt with by that particular time.

This debate has major ramifications, not only for the Nation's transportation system, but for the economy and the environment.

What Congress does with this legislation will, in many ways, define the degree to which communities across the country will be able to take full advantage of the possibilities for economic development and growth in the years ahead. Without a modern, safe and efficient transportation network, America's businesses can't compete as efficiently, America's cities can't be revitalized as effectively, and America's families will lose valuable time in the daily struggle to move from home to work, and carry out all the other responsibilities of daily life.

This legislation will also have a major impact on the environment, as we debate what direction the law should take. A major goal is to preserve and strengthen the innovative intermodal approach established under the original ISTEA, including special emphasis on public transit, the Congestion Mitigation and Air Quality Program, bikeways and other initiatives that enhance the quality of life in our communities.

I hope we will be able to build on the original ISTEA law, sustaining its innovative programs and laying the foundation for greater economic growth. To do that, we need to make a substantially larger investment that will address the many urgent transportation needs facing the country, and also facing my own State of Massachusetts that has some very special needs.

I commend Senator BYRD for his extraordinary leadership on all of these vital infrastructure issues. The amendment he proposed last fall will make a significant difference for all States, enabling us to meet all of the new challenges more effectively.

I think he makes a compelling case. Let the Senate make its judgments. Let the Senate decide. It is difficult to justify and say we are not going to let the Senate decide because we might have the votes for a particular position, which is at least partly delaying the opportunity to consider the legislation.

We can't afford to have this important debate drag on into the months ahead. The country's transportation needs are urgent and can't wait. We should take up the ISTEA legislation and complete action on it promptly, to avoid paralysis in critical ongoing work involving transportation construction, public transit operations, traffic safety programs, and other issues that demand attention.

Mr. President, I may have more to say on this subject. I know that the Senate is anxious to recess in order to hear the full report of the Secretary of State.

So I will yield at this time and hope that the Senate will follow the leader's motion for adjournment.

ADJOURNMENT UNTIL 11 A.M., MONDAY, FEBRUARY 9, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 11 a.m. on Monday, February 9.

Thereupon, the Senate, at 3:52 p.m., adjourned until Monday, February 9, 1998, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 5, 1998:

DEPARTMENT OF VETERANS AFFAIRS

ELIGAH DANE CLARK, OF ALABAMA, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF SIX YEARS, VICE CHARLES L. CRAGIN.

DEPARTMENT OF AGRICULTURE

KEITH C. KELLY, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE GRANT BUNTROCK.

STATE JUSTICE INSTITUTE

ROBERT A. MILLER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000, VICE DAVID ALLEN BROCK, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. FRED E. ELLIS, [redacted]
BRIG. GEN. EDWARD R. JAYNE II, [redacted]
BRIG. GEN. CARL A. LORENZEN, [redacted]
BRIG. GEN. RICHARD A. PLATT, [redacted]
BRIG. GEN. JOHN H. SMITH, [redacted]
BRIG. GEN. IRENE TROWELL-HARRIS, [redacted]

To be brigadier general

COL. WILLIAM E. BONNELL, [redacted]
COL. EDWARD H. GREENE II, [redacted]
COL. ROBERT H. HARKINS III, [redacted]
COL. JAMES W. HIGGINS, [redacted]
COL. ROBERT F. HOWARTH, JR., [redacted]
COL. THOMAS C. HRUBY, [redacted]
COL. RICHARD S. KENNEY, [redacted]
COL. PHIL P. LEVENTIS, [redacted]
COL. CHARLES A. MORGAN III, [redacted]
COL. JERRY W. RAGSDALE, [redacted]
COL. LAWRENCE D. RUSCONI, [redacted]
COL. RICHARD H. SANTORO, [redacted]
COL. WAYNE L. SCHULTZ, [redacted]
COL. RALPH S. SMITH, JR., [redacted]
COL. RONALD C. SZARLAN, [redacted]
COL. JAMES K. WILSON, [redacted]
COL. RUTH A. WONG, [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN W. BERGMAN, [redacted]
COL. JOHN J. MCCARTHY, JR., [redacted]

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 5, 1998:

IN THE AIR FORCE

THE FOLLOWING NAMED UNITED STATES AIR FORCE OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 154:

To be general

GEN. JOSEPH W. RALSTON, [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. CASE, [redacted]

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. SQUIER, [redacted]

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT L. ECHOLS, [redacted]

EXTENSIONS OF REMARKS

THE CITIZEN PROTECTION ACT

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HUTCHINSON. Mr. Speaker, I rise today to announce the introduction of the "Citizen Protection Act," legislation designed to hold bounty hunters, and the bail bondsmen who employee them, liable for civil rights violations. The bill also requires bounty hunters and bail bondsmen who travel in interstate commerce to recover a defendant to report their intentions to local law enforcement authorities and provide whatever information is required under that state's laws.

I believe this bill accomplishes an important public safety goal, namely keeping innocent citizens safe from the abusive actions of rogue bounty hunters, without creating a new federal bureaucracy or imposing any mandates on the states.

Under current law, bounty hunters do not operate under the same standards required of law enforcement officers, which prohibit excessive force. Bounty hunters are free to break into the homes of people thought to be criminals in order to capture bond-jumpers, without any accountability to innocent citizens who may be injured because of wrongful and abusive conduct.

In September 1997, five men claiming to be bounty hunters forced their way into a private residence, terrorized a mother and her children, and fatally shot a young couple. Despite the fact that the Arizona suspects turned out not to have been bounty hunters, the notoriety of the case brought national attention to flaws in the bail bond system.

While not as publicized as the Arizona case, bounty hunter abuses occur more frequently than we realize. One such case from Houston, Texas illustrates why Congress needs to provide a legal recourse for innocent victims. In the Summer of 1995, Betty Caballero was beaten by a bail bondsman seeking to arrest another woman, Ms. Ruth Garcia. Because of the beating, Betty miscarried her pregnancy the next day. Although she brought suit against the bail company for the violation of her civil rights, the district court found that federal civil rights laws did not apply to the case and exonerated the bond company from any liability for the bounty hunter's behavior.

Just a few weeks ago, rogue bounty hunters in Memphis, Tennessee beat up a high school student they mistakenly targeted as a bond-jumper. Last year, in anther case of mistaken identity, an innocent Kansas City man was shot three times by bounty hunters. And in the summer of 1994, an innocent New York woman was abducted by bounty hunters and transported to Alabama. The bounty hunters ignored the woman's protests of innocence. Three and a half days and 910 miles later, the bounty hunters acknowledge their error and paid for a bus ticket to send the woman back home. She also was not allowed to pursue a case for violation of her civil rights against the bail bond company or the bounty hunters.

The Citizen Protection Act remedies these injustices by allowing abused individuals to seek redress in federal court. The bail bond industry is interstate in nature, and many of these abuses involve the transportation of victims across state lines. It is important to note that this bill does not create a new federal regulatory scheme or impose any mandates on the states. It merely provides remedial relief to those who are now slipping through the cracks of the justice.

Many professional bounty hunters and bail bondsmen support regulation of their industry in order to drive out the rogue bounty hunters who undermine the industry's reputation and credibility. Law enforcement agents have also been supportive of the notification requirement, arguing that they want to be aware of bounty hunter activities in their jurisdictions.

Mr. Speaker, I believe Congress can and should take this modest step and bring some accountability to the use of bounty hunters. That is why am I proud to be introducing this legislation with my colleagues Congressmen CHARLES CANADY, JOHN CONYERS AND ALCEE HASTINGS.

JOHN HOGAN III, A VERY SPECIAL YOUNG MAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. SOLOMON. Mr. Speaker, in today's cynical, selfish world, it is rare to find an individual whose pure goodness, compassion and selfless generosity transcend his own personal travails. I would like to bring to your attention just such a person, 11-year old John Hogan III of Hadley, New York.

Diagnosed at birth with cerebral palsy and a seizure disorder, John's doctors did not expect him to survive. However, John beat the odds, earning the opportunity to embark on what has already become a remarkable life. Because of his medical conditions, John was referred to the Make-a-Wish program of Northeastern New York, an organization which arranges for children with life-threatening illnesses to realize their dreams. Unlike many young people, John's dream was not to meet a celebrity or to go to Disney World. John's only wish was to feed the homeless—a desire to which he held firm despite the efforts of volunteers and other adults to convince him to do something special for himself. This incredible young man would not be dissuaded from his goal.

Through Make-a-Wish, John arranged for $50,000 worth of food to be distributed to food banks in his area, riding along in the cab beside a truck driver to personally deliver the 22 tons of much-needed food donated by a local supermarket chain. Although John's wish initially flabbergasted the Make-a-Wish volunteers, John's mother was not at all surprised. "He's always been this way," she said, "He shares everything with others." In fact, she remembered, when his parents would give him quarters to play in an arcade, John would instead give them away to his brothers. Feeding the homeless was simply a natural next step for this selfless young man, who hopes one day to become a minister.

Mr. Speaker, John Hogan is an example we should all strive to follow. Faced with adversity from the very beginning of his young life, John has not only coped with his situation, he has triumphed over it through his spirit of kindness and generosity. I ask that all members join me in rising to express our thanks and admiration for this remarkable young man. I only hope we can all achieve at some point in our lives the strength and compassion which he has accomplished already in eleven short years.

TRIBUTE TO DORIAN DAVID ROREX

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. VISCLOSKY. Mr. Speaker, on Thursday, January 15, 1998, tragedy struck Northwest Indiana when Dorian David Rorex, a police officer with the Gary Police Department, was fatally shot by a drug dealer. Dorian made the ultimate sacrifice by giving his life in the effort to protect our community. On the day he was killed, Dorian was working with a team of detectives in an undercover sting operation to put illegal drug dealers behind bars. In the process of making the arrest, however, a drug dealer turned on Dorian and fired his gun repeatedly, putting an abrupt end to the life of a man who had been dedicated to helping protect others.

The black bunting that hung over the police station door in Gary, Indiana, was a reminder of the sadness that hung on the hearts of all the people who have been affected by this terrible incident. It affected all the citizens of Northwest Indiana who suffered loss, knowing that the plague of illegal drugs and the violence they breed had taken the life of a courageous public servant who had been working to protect them. Dorian's colleagues, the officers who knew him and worked with him, are now forced to deal with the pain and anger of a lost partner. Most of all Dorian's family, his mother, father, fiancé, and his young son, David, must face this terrible pain that this tragedy has brought them. They must now struggle to come to terms with their painful loss.

As we all work to move on from this point, we can take solace from the Bible and St. Paul, who said: "Let us not grow weary in doing good. For in due season we shall reap if we do not lose heart." Dorian Rorex did not grow weary of doing good, and he did not lose heart. In all of his life's endeavors he worked to help people. He was a member of Tarrytown Baptist Church and a graduate of West Side High School. He was a veteran of the United States Marine Corps, who served in Operation Desert Storm. While serving as a member of the Gary Police Department he was a member of the Fraternal Order of Police, the S.W.A.T. team, and served as an Honor Guardsman.

Dorian's life ended too soon, but his life was full, and he lived it with honor and a sense of duty to others. In all of our endeavors to make our community safe, we were encouraged by his energy. We were made young by his enthusiasm, and, when things weren't perfect, we were warmed by his friendship. His commitment to his colleagues, his department and his city was complete. Dorian's love for his family was absolute. And, though we'll never know "Why?" Dorian was taken from us, we can take heart in knowing that at least part of the reason he gave his life was so that the world his son, David, inherits will be the best he could make it. And with that, in some small way, we can all try to make sure that Dorian's hope for a better world for David, and all of our sons and daughters, is fulfilled.

IN HONOR OF MR. PAT TORNILLO

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to publicly recognize an important civic leader and my good friend, Mr. Pat Tornillo.

As some of you may know, Pat has been the leader of a nearly four-decade effort to improve the public schools in the Miami-Dade County area.

Pat arrived in the Great State of Florida in 1956. As a new teacher in Miami-Dade, he took an active role in the Dade County Classroom Teachers Association (which is now known as the United Teachers of Dade). Today, 42 years later, he serves as the Executive Director of that important organization.

This week, on February 7, the educational and political communities of Florida are joining together to honor Pat L. Tornillo for his "Uncommon Commitment to Public Education." This commitment includes turning Miami-Dade's public schools into one of the largest and most culturally diverse school systems in the country today.

Mr. Tornillo's work has been publicly noted before. He has won the Martin Luther King Jr. Memorial Brotherhood Award, the Outstanding Leadership Award from the United Way, and the NAACP Distinguished Award. Now, it is Congress' turn. Mr. Speaker, I ask for my colleagues to join me today as we honor a truly great American. A grateful nation thanks Pat Tornillo.

IN RECOGNITION OF MAYOR LIONEL WILSON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DELLUMS. Mr. Speaker, I rise to honor a historic figure, Lionel Wilson, who was elected in 1977 as the first African-American Mayor of the City of Oakland, California. Lionel passed away recently at the age of 82 and left a legacy that forever changed the political contours of the city.

Born in New Orleans, Lionel came to his "hometown" of Oakland, California with his family at age 3. He attended Clawson Elementary and McClymonds High School. Lionel went to law school and eventually became the first African-American Superior Court Judge in Alameda County. The Wilson Family became a cornerstone of the West Oakland neighborhood during its economic and social heydays of the forties and fifties. Lionel served as Chair of an anti-poverty board in the sixties and seventies that came out of the Great Society legislation under President Lyndon Baines Johnson.

When Oakland elected Lionel in 1977, City Hall was boldly turned around as his compassionate but firm leadership brought access to those who had been denied access. Wilson opened up city government for blacks and other minorities, creating a new Oakland that paved the way for a new generation of minority politicians. Critical to policy decision is the city budget which was the responsibility of the city manager; however, his insistence that the mayor must have an important role in the process led to a three-term mayor serving for 12 years. His broad vision can be seen in the development of downtown Oakland and its neighborhoods.

One passion that Lionel and I share is the love for baseball, in fact, to be professional players. As you see, history had other plans. Lionel Wilson will be greatly missed and remembered by all as a man with a vision for the City of Oakland.

CELEBRATING THE LIFE OF KENNETH ROGER THOMAS, ESQ.

HON. JULIAN C. DIXON

OF CALIFORNIA

HON. MAXINE WATERS

OF CALIFORNIA

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DIXON. Mr. Speaker, I join with my colleagues Congresswoman MAXINE WATERS and Congresswoman JUANITA MILLENDER-MCDONALD in announcing the untimely passing of one of this nation's outstanding minority newspaper publishers. Kenneth Roger Thomas, Esq., publisher of the Los Angeles Sentinel, died on November 28, 1997. He was not only a friend, but a valiant crusader for the truth and a compassionate man who ceaselessly contributed his time and energy to those who needed help.

Born January 1, 1930, in Cleveland, Ohio to James Edward Thomas and Augusta Dickerson, Ken spent his formative years in Marietta, Ohio. He completed his primary and secondary education there before attending Ohio University from 1947–1951, where he received a bachelor's degree in pre-medicine. His degree took him not to medical school but to the military; Thomas served in the U.S. Air Force from 1951–1956 in Korea and Japan, achieving the rank of First Lieutenant.

Upon returning to the states in 1956, Ken studied law at Ohio State University, earning his bachelor of laws and doctor of laws degrees in 1958 and 1967, respectively. He began his successful private law practice in 1960, and served as a California Probate Referee from 1974 until his death. Ken utilized his keen legal mind to assist and advise a number of organizations, including the Los Angeles Fair Housing Council, the NAACP, and the Congress of Racial Equality (CORE). Over the course of his career, he served on the boards of the California Rapid Transit District, the Los Angeles Urban League, and the National Newspaper Publishers Association.

Ken's affiliation with the Sentinel began with his service as longtime attorney for Ruth Washington, the widow of Sentinel founder and civil rights activist Col. Leon H. Washington, Jr. Col. Washington died in 1974, leaving the paper to his wife, who made Ken CEO in 1983. Ken brought tremendous energy and vision to the Sentinel, which had been foundering amid huge debts and antiquated equipment. Through his herculean efforts, the weekly was equipped with computers, its finances were stabilized, and the physical plant was renovated. Meanwhile, Ken found the stamina to maintain his private law practice and help the less fortunate, often playing Santa Claus for foster children at Christmas.

Ken was also important to the Sentinel and the Los Angeles community because he maintained the paper's commitment to relating the black experience to the general public, covering stories not told by the mainstream papers and providing frank commentary untinged by racial bias. He maintained an active interest in Los Angeles politics and was a trusted confidant and advisor to several community and political leaders.

Ken's tenacity, courage, conviction, love, and generosity will be sorely missed by us all. MAXINE, JUANITA, and I strongly urge our colleagues to join us in extending condolences to his loving wife Jennifer, his daughter Maria K. Thomas of Los Angeles, his extended family, and his many devoted friends.

PEACE INITIATIVE OF DR. ANTHONY S. LENZO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. VISCLOSKY. Mr. Speaker, I would like to call your attention to a noble initiative proposed by Dr. Anthony S. Lenzo of Crown Point, Indiana. Dr. Lenzo has toiled selflessly

for many years in an attempt to designate a "Weekend of Prayer, Meditation and Thought on the Futility of War and the Desperate Need for Peace in the World." His goal is to have the United States submit his resolution to the United Nations. Dr. Lenzo feels that, as a global leader and the chief proponent of peace, the United States should be the country to propose such a resolution. The United Nations Educational, Scientific and Cultural Organization constitution itself reads, "since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed."

His own words most eloquently express his intentions. According to Dr. Lenzo, who recently retired from teaching elementary school and from his position as a colonel in the Army Reserves, peace is still a possibility: "With the entire world, together with its political and religious leaders, all praying for peace at the same time, marked with parades, speeches, dinners, fireworks, and whatever else is necessary to make this the most important event of the year, it has to have impact on everyone and further the cause of peace." Dr. Lenzo continues, "It will be a thankful day when we can once again live in peace * * * peace in the world, peace within our nations, peace in our neighborhoods, peace on our streets." He dismisses claims that this is impossible: "Years ago it was said that it was impossible to find a cure for polio, but we did; impossible to find a cure for smallpox, but we did; impossible for the Berlin Wall to come down, but it did; impossible to overcome Russian communism, but we did! The endless list of accomplishments that were once thought to be impossible are now realities. Peace in the world can also become a reality."

During the course of his campaign, Dr. Lenzo has met with great success. Between 1992 and 1994, he received responses from 30 states, 9 of whom instated a weekend of prayer for peace at his request. He has received responses from Boutros Boutros-Ghali, the Pope, and Elizabeth Taylor. Nearly all who hear Dr. Lenzo's plea to champion peace commend his campaign.

The last time I called your attention to Dr. Lenzo's initiative, in January 1991, we were just four days away from the United Nations' deadline for Saddam Hussein to remove his troops from Kuwait. Five days after I spoke of Dr. Lenzo's project, we deployed military forces in Kuwait. Now, again, we are nearing a stand-off with Iraq. And again, Dr. Lenzo works to remind us of the gravity of the actions we contemplate. As we negotiate and strategize and consider all our options, Dr. Lenzo tells us to keep in sight the end we all seek. His suggestion that we step back and remember to whom we are accountable is vitally relevant at this time.

In the words of John Milton, "Peace hath her victories, no less renowned than War," and Dr. Lenzo's work is surely one of those victories. I admire Dr. Lenzo's insight and encourage all my colleagues in the House of Representatives to seriously contemplate his "Weekend of Prayer, Meditation and Thought."

PRESIDENT'S BUDGET FOR FISCAL YEAR 1999

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today as a member of the Budget Committee, to analyze the President's budget for FY 1999.

The federal budget isn't just an accounting tool. It's a vision of the kind of America we want for our families. Our vision is for an America where families are restored to their central role in society, the entrepreneurial spirit is unleashed in every community, and religious and civic organizations are released to solve local problems.

Unfortunately the President's vision, as outlined in his latest budget, is limited to an ever expanding Federal government.

The President claims that his spending plan achieves a $9.5 billion surplus in fiscal year 1999 thereby reaching, and even surpassing, the goal of a balanced budget three years sooner than expected.

But even if that assertion is correct, his budget submission misses the real point: balancing the federal budget is not just a bookkeeping exercise. Balancing the budget is about moving power out of Washington, having more decisions made by families and communities, and putting more faith in people rather than Washington "experts."

Balancing the budget is about restraining the size of the federal government so that other fundamental institutions—families, religious and civic organizations and business enterprises—begin to play their appropriate roles in the nation. When government grows, it invades the proper roles of these other institutions. The reverse is also true, so that when government is restrained, the other institutions grow. That is why Congress insisted that last year's budget agreement should not only balance the budget, but should also cut taxes at the same time. Only by coupling both strategies would the growth of federal bureaucracies stay in check. Only in this way could balancing the budget achieve the far more important goal of restoring balance among the nation's fundamental institutions.

One example of this restored balance is the economic growth of the past several years, which has contributed significantly to today's favorable budget outlook. Critics have long predicted that too much deficit reduction, undertaken too fast, would cause the economy to contract. Instead, the reverse has happened. As the 104th and 105th Congresses held fast to their pledge to restrain spending and reform government, the engines of economic growth took over. The economy grew faster than projected. Interest rates fell, which in effect gave everyone a tax cut. Employment climbed. This growth, coupled with Congress' spending restraint, fueled our ability to quickly reach a balanced budget.

Another example of how rebuilding fundamental institutions helps all Americans is the decline in welfare dependency. This has occurred partly because the welfare reform law adopted in 1996—a reform the President vetoed twice before finally accepting public demand for it—devolved responsibilities and control to states and communities, which always were better suited to address the problems of poverty. Welfare reform gave Governors the flexibility to experiment, and tailor programs to their own unique populations. More importantly, it showed real compassion for those who received public assistance by encouraging taking responsibility for their lives, by making them accountable, and by moving them off the welfare rolls and onto payrolls. Since welfare reform was enacted, the welfare rolls have declined by 2.2 million people.

Mr. Speaker, the President seems not to have noticed. His budget reflects a typical return to expanding government whenever and wherever possible. For him, every problem (real or imagined) has a government solution—one that puts trust in Washington bureaucrats rather than individuals and families.

The President's budget contains 85 new spending programs, including 39 new entitlements. In all, these entitlements add nearly $150 billion to federal spending over the next five years. Meanwhile, he fails to pursue any further reduction in the tax burden on the American family—who notwithstanding last year's reduction—are still overtaxed. In fact, he slams the family budget by gobbling-up over $129 billion more of American income in new taxes and fees.

The President, who speaks of building bridges to the future, is actually taking the discredited road of the past—the past that brought on the era of big government. His zeal for more spending is disturbing. The government should be doing all it can to foster growth of economic resources, to provide for long-term prosperity, and to assure that the nation can meet its obligations to future generations. The government should not look for every way possible to spend these resources.

Nowhere is this more important than in Social Security—and nowhere does the President present a more staggering contradiction. To his credit, the President has acknowledged the need to prepare this unique program for the coming retirement of 76 million "baby boomers." In his State of the Union address, he urged that any budget surpluses that appear should be preserved for Social Security's needs. But right now, in this budget, he proposes to spend any surpluses and then increase taxes and pour those funds into more government programs. All this increased spending could, alternatively, be preserved for saving Social Security. But the President's actions say more than his words. He would rather spend the money on special interest giveaways than provide for a safe and secure Social Security system.

The soul of last year's budget agreement was a commitment to restrain the growth of government and to help restore the vitality of America's communities, neighborhoods, and families. By contrast, the President's budget harkens back to the era of big government. While Americans have come to recognize the limits of Washington's ability to solve problems, President Clinton continues trying to draw more of American life under the control of Washington.

America is hungry for a positive vision of society, a society that values hard work, honesty, and a commitment to family faith and

freedom. But the President only serves up a vision of more government in a budget that is balanced in numbers, not in spirit.

MICHAEL KELLY COLUMN ON PRESIDENTIAL SCANDAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. SOLOMON. Mr. Speaker, if any members are keeping a file of administration scandals, I would suggest including the February 4 "I Believe" Op Ed column in the Washington Post by Michael Kelly, senior writer for the National Journal.

It's a paradox that this administration has bought some time by giving us so many and such a variety of scandals that we cannot possibly keep up with them. Critics take the measure of one scandal, only to be distracted or overwhelmed by another, and another, and another, seemingly without end.

Kelly's column serves to remind us that the Lewinsky affair is only the latest in a series of scandals, and the White House attempt to change the subject merely the continuation of a pattern of dissembling.

Mr. Speaker, I believe our present policy of deferring to the independent counsel is the correct one. Should it ever be found that such dissembling took the form of obstructing justice, we will be faced with a serious decision. If only a fraction of the allegations catalogued by Kelly turn out to be true, the House will be obliged to act. It will do so with a collective feeling of sorrow, but it must not shrink from its responsibilities.

I include the Kelly column in today's RECORD.

I BELIEVE

I believe the president. I have always believed him. I believed him when he said he had never been drafted in the Vietnam War and I believed him when he said he had forgotten to mention that he had been drafted in the Vietnam War. I believed him when he said he hadn't had sex with Gennifer Flowers and I believe him now, when he reportedly says he did.

I believe the president did not rent out the Lincoln Bedroom, did not sell access to himself and the vice president to hundreds of well-heeled special pleaders and did not supervise the largest, most systematic money-laundering operation in campaign finance history, collecting more than $3 million in illegal and improper donations. I believe that Charlie Trie and James Riady were motivated by nothing but patriotism for their adopted country.

I believed Vice President Gore when he said that he had made dunning calls to political contributors "on a few occasions" from his White House office, and I believed him when he said that, actually, "a few" meant 46. I believe in no controlling legal authority.

I believe Bruce Babbitt when he says that the $286,000 contributed to the DNC by Indian tribes opposed to granting a casino license to rival tribes had nothing to do with his denial of the license. I believed the secretary when he said that he had not been instructed in this matter by then-White House deputy chief of staff Harold Ickes. I believed him when he said later that he had told lobbyist and friend Paul Eckstein that Ickes had told him to move on the casino decision, but that he had been lying to Eckstein. I agree with the secretary that it is an outrage that anyone would question his integrity.

I believe in the Clinton Standard of adherence to the nation's campaign finance and bribery laws, enunciated by the president on March 7, 1997: "I don't believe you can find any evidence of the fact that I had changed government policy solely because of a contribution." I note with approval the use of the word "evidence" and also the use of the word "solely." I believe that it is proper to change government policy to address the concerns of people who have given the president money, as long as nobody can find evidence of this being the sole reason.

I believe the president has lived up to his promise to preside over the most ethical administration in American history. I believe that indicted former agriculture secretary Mike Espy did not accept $35,000 in illegal favors from Tyson Foods and other regulated businesses. I believe that indicted former housing secretary Henry Cisneros did not lie to the FBI and tell others to lie cover up $250,000 in blackmail payments to his former mistress. I believe that convicted former associate attorney general Webster Hubbell was not involved in the obstruction of justice when the president's minions arranged for Hubbell to receive $400,000 in sweetheart consulting deals at a time when he was reneging on his promise to cooperate with Kenneth Starr's Whitewater investigation.

I believe Paula Jones is a cheap tramp who was asking for it. I believe Kathleen Willey is a cheap tramp who was asking for it. I believe Monica Lewinsky is a cheap tramp who was asking for it.

I believe Lewinsky was fantasizing in her 20 hours of taped conversation in which she reported detailed her sexual relationship with the president and begged Linda Tripp to join her in lying about the relationship. I believe that any gifts, correspondence, telephone calls and the 37 post-employment White House visits that may have passed between Lewinsky and the president are evidence only of a platonic relationship; such innocent intimate friendships are quite common between middle-aged married men and young single women, and also between presidents of the United States and White House interns.

I see nothing suspicious in the report that the president's intimate, Vernon Jordan, arranged a $40,000-per-year job for Lewinsky shortly after she signed but before she filed an affidavit saying she had not had sex with the president. Nor do I read anything into the fact that the ambassador to the United Nations, Bill Richardson, visited Lewinsky at the Watergate to offer her a job. I believe the instructions Lewinsky gave Tripp informing her on how to properly perjure herself in the Willey matter simply wrote themselves.

I believe that The Washington Post, the Los Angeles Times, The New York Times, Newsweek, Time, U.S. News & World Report, ABC, CBS, NBC, CNN, PBS and NPR are all part of a vast right-wing conspiracy. Especially NPR.

NATIONAL AFRICAN-AMERICAN PARENT INVOLVEMENT DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HASTINGS of Florida. Mr. Speaker, it is often said that education is the key to our country's future. While so many individuals give mere lip service to this idea, I am proud to announce that several of my constituents have been working hard to bring education into the limelight it deserves. February 9th of this year will mark the third annual National African-American Parent Involvement Day, a program done in conjunction with the Miami-Dade County School Board. This effort is being chaired by Earl Davis from the Office of Multicultural Education of Miami-Dade County Public Schools and co-chaired by Eunice Davis from North Davis Middle School and Carlos Seales from the Miami-Dade PTA/PTSA Council.

As we all know, parents in our hectic times often do not have the time to take an active role in the education of their children. Quite frequently, they do not know what their children are learning or who is teaching them. The "Take Your Child to School—Visit Your Child in School" program is a concerted effort by principals, teachers, and other educators to encourage parents to change this disturbing trend. Parents will come into their children's schools to meet teachers, tour the buildings, and learn alongside their youngsters. Employers are also being contacted and encouraged to give interested parents "release time" so that they are able to be with their children on this important day.

I would like to personally commend my constituents who are organizing and participating in this vastly important program. When we consistently hear bad news about our nation's public schools, it is truly refreshing to see individual and community efforts such as these. I join my colleagues in South Florida in hoping that February 9th will initiate open communication between parents, children, and educators throughout the nation. Education truly is the key to the future, and it is programs such as this one that insure that it proceeds in the right direction.

A TRIBUTE TO LA SUPERIOR COURT JUDGE SHERMAN SMITH, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to outstanding Los Angeles Superior Court Judge, the Honorable Sherman Smith, Jr. For nearly two decades, Judge Smith has presided over cases in a fair and forthright manner, earning him the respect of his judicial peers, as well as the admiration of the many members of the bar who have tried cases in his courtroom.

Judge Smith received his undergraduate and law degrees from Howard University in

Washington, DC. Following his 1969 graduation from law school, he headed west to Los Angeles, landing a job with the public defender's office, where he helped the poor achieve justice through our legal system. He then spent a year at the L.A. City Attorney's office, working in the appellate department and then as one of the special counsels for then-City Attorney Burt Pines. He worked an additional year with the office as a prosecutor in West Los Angeles before being appointed to the Los Angeles Municipal Court in 1979 by then-Governor Jerry Brown, Jr. Judge Smith eventually reached the ranks of presiding judge, making substantial changes and working to modernize the court. He served on the Municipal Court bench for nine years.

In 1988 he was elected to a Superior Court seat and has served on the court's budget and personnel committee, chairing the education subcommittee of its access and fairness committee. During this period he was also active in judicial education, serving four years on the California Judicial Education and Research board and teaching for the program.

Judge Smith's commitment to the court and to a fair and equitable judicial system for every citizen honors our system of jurisprudence. I am honored to call him my friend and to have this opportunity to provide this brief retrospective of his exemplary career with my colleagues. I ask that you join me in paying tribute to him for his distinguished contributions to the court and to the citizens of Los Angeles. Thank you, Sherman, for your many years of public service.

HOME HEALTH CARE

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Ms. STABENOW. Mr. Speaker, I rise today as an advocate for the vital services home health care provides to many of our nation's citizens and their families—people whose voices are not always heard on Capitol Hill. We all recall the stories from the news last year of the bad actors who abused the Medicare system and provided inadequate care to their patients. Unfortunately, the reprehensible actions of a few home health care businesses lead to dramatic changes in the Balanced Budget Act that will impact the quality of care of all individuals whose doctors and families have decided that home care is the necessary course of action. Although it is critical to curb abuse, we must be careful that we do not inadvertently cause harm to the small businesses who have always provided and who will continue to provide quality care to many people in our communities.

I am very concerned that as of today, home care providers will no longer be reimbursed if they visit a patient solely to draw blood. Section 4615 of the Balanced Budget Act states that this is a non-vital service to provide to homebound patients. What about the blind diabetic who needs a blood sugar reading? What about the cancer patient or AIDS patient who is confined to a bed and whose continued treatment relies on blood tests? This provision of the Balanced Budget Act must be reversed or at least modified to allow the needs of the patient to determine the need for this health care service. As of today I am a co-sponsor of the Venipuncture Fairness Act, H.R. 2912, sponsored by my colleague, NICK RAHALL. H.R. 2912 will reinstate payment under Medicare for home health visits made to provide the important service of drawing blood. I urge my colleagues to immediately join the Venipuncture Fairness Act as co-sponsors and to work to ensure swift passage of the bill so that homebound patients do not suffer a life-threatening gap in care.

Other efforts are underway in Congress to reverse decisions made in the Balanced Budget Act that inadvertently cause harm to the home care providers. This Wednesday I will join Congressman JIM MCGOVERN as an original co-sponsor of a bill to protect effective home health care agencies from last year's cutbacks. The bill will delay the implementation of the interim payment system for home health services and provide for a later base year for the purpose of calculating new payment rates. It is our hope that the bill will allow continuation of quality home health services in communities throughout the country.

Another obstacle stands in the way of home health care companies staying in business. The Balanced Budget Act provisions regarding surety bonds is being misread by the Health Care Financing Administration. It is reasonable to ask home health care businesses to secure a surety bond at an affordable cost. The Balanced Budget Act set that cost at $50,000 or 15% of an agency's previous year's Medicare revenues. It was assumed that a $50,000 surety bond would be too expensive for some agencies, hence the provision for 15% of revenues was included to ease the burden on smaller operations. I have now discovered that the Health Care Financing Administration is requiring all home health care providers to get a surety bond for 15% of the previous year's revenues. For some companies, this could be as high as half a million dollars, a far cry from the original $50,000 Congress intended. I will be circulating a letter to send to the Health Care Financing Administration urging them to implement this provision of the Balanced Budget Act according to the original intent of Congress. I urge my colleagues to sign the letter and send a strong message to the Health Care Financing Administration.

Home health care is a critical part of the health care system for thousands of Americans. Citizens, who would otherwise be required to be in nursing homes, are able to live independently or with family members because of the support services provided by home health care professionals. It is critical that our policies make sense for the thousands of qualified and dedicated home care agencies in America while we focus our energies on those who abuse the system and waste taxpayer dollars. I urge my colleagues to join with me in taking appropriate actions to meet both important goals. Thank you.

ANDERSON HIGH SCHOOL INDIANS BASKETBALL TEAM

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. McINTOSH. Mr. Speaker, I want to take this opportunity to recognize the boy's varsity basketball team of Anderson High School. These distinguished and courageous young men traveled to Washington D.C. and won an exciting game against DeMatha High school in the Washington Classic right here in our Nation's Capital.

The determination shown by the team is a tribute to the rich tradition of Hoosier basketball. The Indians demonstrated a level of achievement which can only be attained when individuals dedicate themselves to a team effort. Their awesome victory was indeed a remarkable performance.

The game also had special significance for the two coaches. Both men have undergone successful liver transplants and the tournament raised awareness for this important procedure. The evening was a true testimony to the fact that anything is possible with a positive mental attitude.

Let me join everyone involved with the team's trip and winning season—the fans, parents, teachers and students in saying that we are all very proud of you! Congratulations.

HONORING THE LIFE AND SERVICE OF ED BLACKBURN

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DAVIS of Florida. Mr. Speaker, I rise today to honor a man who changed the face of law enforcement in my community of Hillsborough County and in the entire State of Florida—Ed Blackburn.

Mr. Blackburn was elected sheriff of Hillsborough County in 1953 at a time when organized crime tied to gambling was pervasive in the community. Sheriff Blackburn joined with nearby counties to stage gambling raids in an effort to break up the syndicate. Together, they were successful in turning back crime. He worked with other sheriffs to found the Florida Sheriffs Bureau—the precursor to what is the Florida Department of Law Enforcement today. The sheriffs bureau was the first effort to coordinate law enforcement across the state.

Sheriff Blackburn won a seat in the Florida House of Representatives in 1968 where he became a champion of law enforcement. He also served as a interim director of the Florida Department of Law Enforcement in 1979. During that time, he persuaded the Florida Legislature to fund a statewide crime laboratory. The crime lab is an essential tool for investigators as they work to establish concrete evidence against criminal suspects.

There is another important legacy of Ed Blackburn—the Florida Sheriff's Youth Ranch. As a former law enforcement officer, Mr.

Blackburn knew well that early efforts to steer youth away from a life of crime was as important as locking up a wrongdoer. Mr. Blackburn helped found the ranch and also served as its executive director. He saw firsthand countless lives transformed at the youth ranch.

Mr. Blackburn recently passed away. I rise today in appreciation for Mr. Blackburn's years of selfless public service to his community and his state.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

SPEECH OF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport":

Mr. ANDREWS. Mr. Chairman, I hope someday in the near future to vote for a bill designating an appropriate memorial to President Reagan. But the proposal before us this week, to rename Washington National Airport, is not that proposal. I oppose this renaming of the airport, and I want to explain my reasons.

This bill violates one of President Reagan's most cherished values: federalism. The federal government should not carry out responsibilities which can be handled by state or local governments. The renaming of Washington National Airport would be in direct opposition to the wishes of the local authority which governs the airport, as well as the surrounding communities and local governments. The airport is not a federal facility, but is run locally and financed by the local taxpayers, who ought to have the say in this matter.

This airport is already named for a great President, George Washington. There are other, more appropriate landmarks and facilities that can be named for President Reagan. I support the naming of a new aircraft carrier, the USS Ronald Reagan. And I strongly approve of the recent christening of the new federal building in Washington after President Reagan. But we should not act, contrary to the principle of federalism, to name this airport after President Reagan, over the objection of local officials and the people they represent.

PENNSYLVANIA'S SCIENCE EDUCATION SUCCESS STORY

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. PITTS. Mr. Speaker, Pennsylvania's West Chester University, a pioneer teacher training institution, has been blazing new trails to lead students toward greater enthusiasm for math and the sciences. The vehicle for this effort? An Educational Center for Earth Observation Systems. March 11–13 this year, West Chester University will host the eleventh annual 'Satellites and Education" Conference for teachers as part of this program. West Chester's innovative program has attracted thousands of elementary, middle and high school educators by focusing on inexpensive "hands on" classroom exercises that enable students to participate in actual satellite communications and earth observations.

While serving in the Pennsylvania State Legislature I was pleased to be an early advocate of this innovative experiment in educational leadership. I have also been proud to serve as Chairman of the Satellite Educators Association, an outgrowth of West Chester University's novel approach to science instruction composed of teachers and school system supporters across the nation.

Each year the University hosts its "Satellites and Education" Conference for teachers during Pennsylvania's "Spaces Satellite and Technology Week," an observance established by a Special Resolution of the Pennsylvania House of Representatives.

The tenth anniversary conference was attended by more than 300 students, educators, and federal and state scientists, from 25 states, the District of Columbia, Canada, Finland, Indonesia and Japan. Enthusiastic sponsors and exhibitors were Lockheed-Martin, DuPont Aerospace, Hughes Aircraft Corp., National Aeronautics and Space Administration (NASA), National Oceanic and Atmospheric Administration (NOAA), the American Institute of Aeronautics and Astronautics, Center for Rural PA, Pennsylvania Space Grant Consortium, Accu-Weather Inc., Analytical Graphics Inc., Aquila Systems Inc., Center for Image Processing in Education, Civil Air Patrol, Maryland Space Grant Consortium, Orbital Sciences Corporation, PCI Enterprises Inc., Sargent Welch, Satellite Educators Association, Service Argos, and The Wether Underground. Keynote speaker at the 1997 conference was Dr. Mary Cleav, NASA Aeronaut who is now managing NASA's Sea WiFS Program. Exciting Ocean-color images for the Sea viewing Wide Field-of-view Sensor (Sea WiFS)—the first readily available ocean-color data in more than ten years—should play a major role in studying El Nino and other global warming research. Other speakers included Dr. Michael Hanes, former Dean of West Chester's School of Education and now president of Georgia Southwestern University; Helen Martin, President, Satellite Educators Association; Tom Pyke, Director of Project GLOBE, the international youth environmental study program; Dr. Ronald McPherson, President American Meteorological Society; Robert Winokur, NOAA Assistant Administrator in charge of the National Weather Service's 4.5 billion modernization program; Dr. Shelby Tilford, Chief Scientist, Orbital Sciences Corporation; Dr. Perry Samson, Director of the Atmospheric, Oceanic and Space Science Program at the University of Michigan. The 1998 program will be equally outstanding. The day conference offers many workshop sessions where educators and government and industry experts exchange ideas, with students as kibitzers, to evaluate instructional materials, equipment and techniques. A popular feature of the conference is the distribution of dozens of door prizes useful to teachers. These have been contributed by supporting industries and other vendors including a complete Aquila system for receiving earth images from satellites.

Primary objects of these conferences are: To introduce educators to satellite and related technologies; to demonstrate equipment affordable to educators and help teachers employ them in the classroom; to examine successful programs for integration into math/science curricula; to provide mentor-ship and follow-up activities for teachers; to network locally and globally with educators who have successfully incorporated satellite applications into their curricula; and to conduct concurrent workshop sessions dealing with the Internet applications for various computer systems, as well as to show students how to assemble and operate satellite receiving stations.

I know my colleagues will applaud and join me as I offer congratulations to Dr. Madeleine Alser, President of West Chester University; Dr. Michael Hanes, President of Georgia Southwestern University; Nancy McIntyre, Director of the West Chester University's Educational Center for Earth Observation Systems; Helen Martin, President of the Satellite Educators Association; and sponsoring government agencies and corporations for their efforts to help young people, and especially to the many far-sighted educators who have participated over the years in this educational success story.

CONGRATULATIONS TO CAROL BARNES PIERCY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Clovis Unified School District teacher Carol Barnes Piercy for being recognized with the Presidential Award for Excellence in Teaching Mathematics. Carol Piercy is committed to her teachings and is very deserving of this honor.

The Presidential Award program was initiated in 1983 by President Ronald Reagan to encourage excellence in teaching math and science. In January, Clovis Unified School District teacher Carol Piercy received this award for her accomplishments in teaching. Ms. Piercy has an extensive educational background with a Bachelor of Science degree from Stanford University, a Master of Science degree from Oregon State University, and a teaching credential from California State University, Fresno.

Carol Piercy has held multiple leadership roles in the community during her career. A few of her many achievements include acting as Chairperson of the Mathematics Curriculum Committee from 1993–1994, as a Family Math Leader at the University of Berkeley in 1995, and as consultant for the Department of Defense Schools from 1995–1997.

As a speaker and presenter, Ms. Piercy has dedicated herself towards making a difference. She has participated in numerous presentations that include contributions to the Fresno County Office of Education during 1994, the National Council of Teachers of Mathematics Western Regional Office, and the California

League of Middle Schools Conference in San Diego.

Mr. Speaker, it is with great honor that I congratulate Carol Barnes Piercy for being honored with the Presidential Award for Excellence in Teaching Mathematics. It is the guidance and commitment shown by Ms. Piercy that should serve as a model for all teachers. I ask my colleagues to join me in wishing Ms. Carol Piercy many more years of success.

WOMEN OF EXCELLENCE HONORED

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. PAYNE. Mr. Speaker, today eleven African-American women of distinction are being honored as part of the Essex County, New Jersey, Hospital Center's Third Annual Afrikan Heritage Month celebration. The vision of Carter G. Woodson to set aside some time to remember and pay tribute to our history and its people is one for which we will always be grateful. I am especially proud of this group of women for it is representative of our families and our society as a whole when it comes to being prepared and accomplished.

The women being honored today are: Gail Thompson, Vice President of Design and Construction of the New Jersey Performing Arts Center, our new $165 million, 255,000 square foot theater building and infrastructure on 12 acres; Carolyn Wade, President of Communications Workers of America Local, the largest local in New Jersey which represents 9,000 dues-paying members in both the public and private sectors; Senator Wynona M. Lipman, distinguished by her tenure as the only African-American female state senator for 21 years; Dorothy E. Grisby, a representative of the National Black Nurses Association, a national organization with 42 chapters that works to provide quality health care; Miriam E. Ferguson, a community advocate is also Superintendent of Recreation and Culture for the City of Hackensack, NJ; Mary F. Lewis, an Education Training Coordinator and the Site Administrator of the United Auto Workers/General Motors Skill Center at the General Motors Corp. in Linden, NJ, became the first African American female electrician in General Motors in 1984; Dolores 'Bobby" Reilly, a former Montclair, NJ, Councilwoman became the first African American woman ever elected to political office in the town; Audrey Fletcher, a former Montclair Councilwoman serves as the Executive Director of the Montclair Child Development Center which provides comprehensive services to Montclair's children and their families; Desha L. Jackson, the first African American female Assistant Prosecutor for Ocean County, NJ; Marcia Wilson Brown, a law school graduate and community activist who has used her time and talent to assist urban cities to plan, develop and fund a variety of housing and community development programs to improve the quality of life for poor, low and moderate income persons and neighborhoods; and Cheryl Diane Lawrence, an adventurous, compassionate and civic-minded business woman is the founder of Blind Detective Agency, a provider of customized security services, a business she developed when she became permanently disabled as a result of an act of heroism while serving as the first female police officer at the Rutgers University Police Department.

Mr. Speaker, I am sure my colleagues will want to join me in congratulating these individuals for this appropriate recognition as their "labors of love" are recorded in the annals of American history.

NEED FOR NUCLEAR DISARMAMENT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DELLUMS. Mr. Speaker, on my last legislative day as a Member of Congress, I wish to share with my colleagues my concern that we are not moving forward deliberately enough to meet our obligations to secure the eradication of nuclear weapons—as is required under the Nuclear Non-Proliferation Treaty (NPT).

Preserving our planet for the future of our children is our moral obligation, and eradicating nuclear weapons stockpiles is a key to fulfilling that obligation. Former Generals of the United States armed forces have called for such a commitment. The International Court of Justice has opined on the obligation nations have to achieve this goal. The United Nations General Assembly has recently acted in this regard and circulating now is a draft convention on the elimination of such weapons.

I urge our government to take the lead in changing its own policy and in advancing the cause of nuclear disarmament in the world. We should not be inventing new uses for these weapons of mass destruction, but should instead use all of the power of our imagination, diplomacy and statecraft to achieve this objective.

In this light, Mr. Speaker, I want to share with my colleagues two documents that are part of the legal and moral fabric that surrounds this issue. The first is of the "dispositif" of the International Court of Justice which illuminates the legal obligations that face the nations of the world. The second is the General Assembly Resolution on this subject. I hope that my colleagues will familiarize themselves with the issues raised within these important documents.

UNITED NATIONS,
GENERAL ASSEMBLY.

[Fifty-second session, First Committee
Agenda item 71 (k)]

GENERAL AND COMPLETE DISARMAMENT

Algeria, Bangladesh, Brazil, Brunei Darussalam, Burundi, Colombia, Costa Rica, Ecuador, El Salvador, Fiji, Ghana, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Malawi, Malaysia, Marshall Islands, Mexico, Mongolia, Myanmar, Namibia, Niger, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Phillipines, Samoa, San Marino, Singapore, Solomon Islands, Sri Lanka, Sudan, Thailand, United Republic of Tanzania, Uruguay, Viet Nam and Zimbabwe: draft resolution

Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994 and 51/45 M of 10 December 1996,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,[1] particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

Recalling the Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,[2] and in particular the objective of determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons,

Recalling also the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996,

Recognizing with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Noting the efforts by the States possessing the largest inventories of nuclear weapons to reduce their stockpiles of such weapons through bilateral and unilateral agreements or arrangements, and calling for the intensification of such efforts to accelerate the significant reduction of nuclear-weapons arsenals,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference on Disarmament during its 1997 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons,[3] issued on 8 July 1996,

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

[1] Footnotes appear at end of article.

2. *Calls once again upon* all States to immediately fulfill that obligation by commencing multilateral negotiations in 1998 leading to an early conclusion of a nuclear-weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. *Requests* all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its fifty-third session;

4. *Decides* to include in the provisional agenda of its fifty-third session an item entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons."

FOOTNOTES

*Reissued for technical reasons.

[1] United Nations, *Treaty Series*, vol. 729, No. 10485.

[2] *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I)), annex, decision 2.

[3] A/51/218, annex.

APPENDIX III—DISPOSITIF OF THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE ON THE LEGALITY OF THE THREAT OR USE OF NUCLEAR WEAPONS

THE COURT

(1) By thirteen votes to one,

Decides to comply with the request for an advisory opinion;

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins;

AGAINST: Judge Oda.

(2) Replies in the following manner to the question put by the General Assembly:

A. Unanimously,

There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons;

B. By eleven votes to three,

There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such;

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Oda, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo, Higgins;

AGAINST: Judges Shahabuddeen, Weeramantry, Koroma.

C. Unanimously,

A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful;

D. Unanimously,

A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons;

E. By seven votes to seven, by the President's casting vote,

It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law;

However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake;

IN FAVOUR: President Bedjaoui; Judges Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo;

AGAINST: Vice-President Schwebel; Judges Oda, Guillaume, Shahabuddeen, Weeramantry, Koroma, Higgins.

F. Unanimously,

There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this eighth day of July, one thousand nine hundred and ninety-six, in two copies, one of which will be placed in the archives of the Court and the other transmitted to the Secretary-General of the United Nations.

[SIGNED] PRESIDENT
[SIGNED] REGISTRAR

REPORT FROM INDIANA—GREENSBURG DRUG-FREE RALLY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. McINTOSH. Mr. Speaker, I rise today to give my Report from Indiana. Every weekend, I travel around the 2nd Congressional District of Indiana from Richmond to Muncie, Anderson to Greensburg.

And so often, people share with me amazing stories about their friends and neighbors who have done amazing things. These individuals are good people who make our communities better places to live. They give us hope for the future that our best days are yet to come.

In my book, these individuals are Hoosier Heroes. Hoosier Heroes because they set examples for all of us to live by. But more importantly they make us proud.

Today, I would like to share with you about a special event that was organized by teachers, parents, and community leaders in Greensburg, Indiana to help protect the children of the community from the effects of drug abuse. On Wednesday, October 29th over 300 students gathered on the Decatur County Courthouse Lawn for the first ever Red Ribbon Week Drug-Free Rally.

The students listened to speeches from several local leaders encouraging them to stay away from drugs and to help protect the future of their community. They were reminded that they will face many difficult challenges in life, but that they have to use their good judgement when it comes to situations involving drugs.

Greensburg Mayor Frank Manus told the students that "When people offer you drugs, just remember that it is a test. When you are in those situations you have to be on your toes. Life is a test."

Mike Riley, Chief of the Greensburg City Police, reminded the students to live up to their commitment not to use drugs, telling them that "You are now saying you are against drugs, but now you've got to live as you say."

Bob Bostic, Executive Director of the Greensburg Area Chamber of Commerce, reminded the students that by saying no to drugs, they are helping to make the Greensburg community a better place for everyone, saying that "We are at war against drugs, and you have come down here today to say no to drugs and yes to a clean life and yes to a clean community."

Keith Hipskind, Coach of the Greensburg Community High School Boys' Basketball team, told the students that they can always rely on their families and people in their community for help and support when they have a problem, saying that "We all have problems. They're not going to go away. Just remember that you have good leaders to lean on throughout the problem's duration."

I was especially touched by a poem that was written for the rally by Sarah Nahmias. Sarah is currently a member of the Greensburg Community School Board and has been active in issues involving education and children in the local community. I would like to share the poem that Sarah wrote for the children of the Greensburg community:

Well, the teachers all announced that there would be Red Ribbon Week
And you felt "if I show interest, then my friends will call me a 'geek.'"
But you'll see as each day passes it's unto your heart we speak.
Be brave enough to just say no—don't fall back and become meek.
When you each unite together to celebrate this "dare"
You will find so many others whose strength you then can share.
And just like the little child who stepped up when no one was there
You can help in such a big way if you only show you care.
Yes, you've heard all of the facts about what happens on the drugs
Your mind will turn to mush and you'll slither like a slug.
You'll often think—"oh, what the heck," your shoulders you might shrug
But poppin' pills to get your thrills won't last quite like a hug.
Some say to drag on cigarettes or pack a wad of chew
Is for them the only measure of how to show they're cool.
But let me tell you of the toll which will come to each of you
Though not so brisk—you'll think 'no risk,' Oh, please don't be a fool.
Should I tell you of the money you will spend, if that you choose?
You could buy yourself a nice new car—or just cigarettes and booze.
Or should I introduce the friend of mine who can no longer speak?
You see, they cut his tongue and throat—the cancer's made him weak.
Or would you rather hear of Gramps who we all hold so dear?
He misses the games the grandkids play—they'll never hear him cheer.
Or the dad who just retired, looking forward to his golf?

But he can't play that much—he has the time, but breath, there's not enough.
There'll be someone who's out there who will offer you some grass.
You may answer—"no, no drugs for me." They'll laugh then as you pass.
So gather 'round your friends and find the strength you need to fight
And stand up for the only thing you know—it's only right.
For if you make the choice to give into the ones who push
So many things will pass you by while you're sitting on your tush.
Perhaps you'll want it easy—the work seems much too hard
But self-respect and true reward come from trying 'til you're tired.
Perhaps it is particularly tough, to stand up all alone.
Your friends all seem to do it, and you see it in your home.
But YOU CAN make a difference—believe me just one step
Say "no that's not the way I want to live"—and get a grip
Make the promise to yourself, be proud it's one you've kept.
The toughest one you may just face—a teenager with beer.
If you don't chug-a-lug with them, they'll point to you and jeer.
But walk away and say, "no way, I'm more valuable than that"
And find the safety with your friends with whom you'll need to chat.
Talk about how hard it is to fight and to resist
Dare to show the strength you hold in your heart—and not your fist.
Then you will have more than anyone can ever offer you
Because you dared to take a stand and say, "I know what I must do!"
Each one of you who sit here has a value each his own
Whether you live in a fancy house or don't even have a phone
It's the individuality that's deep within your heart
That makes you oh so special and sets you so apart.
So pull from there and take the dare to stay away from drugs.
A simple promise to yourself with friends—to not give in to thugs.
Surround yourself with friends like those you find 'round here today.
For if you're feeling weak, then they can help you on your way.
For as the story told us, we don't have to be alone
There are many all around us to support us—here or home
So lean upon your brother to your left or to your right
And all please join together for this most important fight.
You see it isn't just adults who are preaching what to do
But people in your community who are reaching out to you.
Allow us all to share our strength to fight this ugly war.
After all—each one of you is most worth fighting for!

Every day, children across this country are confronted with decisions regarding drugs. It is important that these children have the knowledge and the strength to deal with these situations appropriately. I salute these men and women in Greensburg who are doing their part to help the children of their community make the right choices in life and secure a brighter future.

And that, Mr. Speaker, is my Report from Indiana.

THE SPIRIT OF DR. MARTIN LUTHER KING, JR. LIVES ON

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. ANDREWS. Mr. Speaker, I rise today to continue the celebration of the life and work of Dr. Martin Luther King, Jr. Last month, I attended an event in Deptford Township, New Jersey, honoring Dr. King and his dream. Speaking with the people of Deptford, I was struck by how significant of an impact Dr. King had on all our lives and, in particular, on the lives of our children. Even though Dr. King left this world long before they entered it, America's youth have a deep understanding of what his message says to us today. I would like to share with my colleagues the essays of Krystal Tribbett and Dave Forstrom, two local high school students. Their words do much to inspire us as we continue our progress to realizing Dr. King's dream.

"FULFILLING DR. KING'S DREAM"

(By Krystal Tribbett)

"I have a dream, that one day, my four little children will grow up in a nation where they are not judged by the color of their skin, but by the content of their characters." In the future Martin Luther King's dream will come true, not because biased people will change their points of view, but because people will no longer allow themselves to sit in the back of the bus, or the middle, but will place themselves in the front, to become an intricate element in protesting against bigotry in today's society. Men and women of different denominations, creeds, and colors will transcend the negative comments, stereotypes, and statistics in order to become our leaders. The tormented will focus their attention on improving their status and beating the odds stacked against them in order to better themselves, by helping their families and communities. They will improve the nation by improving themselves. They will fight not through violence, but through intelligence. They will use the power of the gray, gray matter, to place their ethnicity, individuality to a respected, revered level in the world.

The many people of the world are recognized in history for various reasons, for being slaves, illegal aliens, drug dealers, etc. They are also known, however, for being renown actors and singers, scientists, doctors, attorneys, and athletes. In these areas people have begun to exhibit themselves as a powerful force that can reshape history. Youths are the key to the accomplishment of Dr. King's dream. They are setting goals to impact the future. Most importantly, the goals of young people focus on disproving various stereotypes, in order to serve as an example to the older generation, as well as the younger one, that they can be more than drug dealers, clerks, or custodians. They want to prove to biased individuals that anyone and everyone can be anything, and all that they want to be, despite obstacles that they have or will encounter. Everybody can make a difference.

In the future, great changes are bound to occur in the history of this nation, of this world, because of the remarkable achievements of the people who did not allow ignorance to hold them back. The history makers of tomorrow are recognizing, and taking advantage of the fact that nothing and no one but themselves can keep them from achieving their dreams. True, there will be an element of society who remain ignorant, however adults and juveniles who are knowledgeable and determined will make the difference. The fulfillment of Dr. King's honorable dream is not too far around the corner. Blacks, Whites, Jews, Hispanics, and Asians will put forth their best effort to carry out their plans and become role models that will inform others of prejudice, and how to defeat it. The ambitions are many and the intentions are promising. The great dream of Martin Luther King is going to come true, with the use of the "gray, lifting up the black."

MARTIN LUTHER KING JR.

(By Dave Forstrom)

What can one person do to carry on the legacy of this great individual? I feel you must start by acquiring some of his own characteristics. You will need his passion, drive, and most of all his courage. Without these you will never accomplish anything worthwhile. Next, you must look at what he did for African Americans and America as a country. He led a massive movement against racism and prejudice which is unparalleled. The main reason for this is that every one of his marches, rallies, and boycotts was completely peaceful.

Now that you have a basic idea of what King did you must look at society today and see how you can make an impact on it. The world now is still rampant with racism and it seems like an insurmountable problem. Everywhere you look there is segregation, prejudice, and hatred. Many people choose to ignore it and put it out of their minds. That is where you must make the choice to care and not to ignore but to start making a change for the better.

I think the next logical step would be to find other people who have made the same choice as you and surround yourself with them. Talk to them and find out what they have done and plan to do. You should also share your experiences with the problem and any ideas that you might have. Together you have many options to choose from. You can start organizing meetings to expand your following and try to get more people involved.

At these gatherings you could discuss plans on what you are going to do. As a group you could follow Dr. King's example and hold peace marches or boycotts. By making yourselves more public you will be noticed more and be able to spread your message to a larger amount of people. This is important because it will cause people to think about how they feel on this issue and may gain your group more support.

Another possibility is to seek help from already founded organizations that share your views on racism. You can gain a deeper understanding of what is happening and what needs to be done. This will also be a good starting point and will provide much needed experience for yourself.

It may also help your quest to write letters to your local government or member of Congress. By getting support from a politician your group would get much more attention

and recognition. That would certainly be a great boost and would land you many more members.

But what if you are not a great leader or cannot devote all your free time to such an organization? Well, there are also ways you can help as well. You could set aside a part of your income each month and try to support the peace groups. You could also set aside some time to attend one of the meetings. But I feel the most important thing is to make that choice to care about racism in your society. Do not ignore it and keep yourself informed about it by reading or watching the news each night. Refuse to let racism continue and eat away at the community. Keep the memory of Martin Luther King Jr. alive and stand up for what is right.

TRIBUTE TO ROBERT G. KEENE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. FORBES. Mr. Speaker, I rise to pay tribute to a good friend and neighbor to all of us Suffolk County who recently passed away, Robert G. Keene, beloved historian for the Town of Southampton.

Bob was a familiar figure in Southampton and a regular columnist for the weekly Southampton Press, where according to his editor Peter Boody, :"He wrote mostly about things that irritated him, and that included everything from people with no class to historians who didn't give Southampton the credit it deserved." Bob was a vocal and articulate advocate of Southampton's cause in the debate with Southold over which community was the first on Long Island to establish an English-speaking settlement.

For 31 years, Mr. Keene ran a bookstore and art gallery in Southampton that brought him into daily contact with such notables as Truman Capote and Willem de Kooning. His store carried many rare titles, including a first edition of Dr. Samuel Johnson's dictionary and a copy of the first Roman Catholic bible published in America. Bob also had a very passionate appreciation for art and eventually he combined his love for books and art by displaying art work in his shop.

Bob started working with the town historian's office when it was under William Dunwell. Mr. Dunwell was first appointed town historian in 1939 and served the people of Southampton faithfully for 43 years until 1981 when he retired to become historian emeritus. Bob took over the historian's office in 1979, although he was not officially appointed historian until Mr. Dunwell's retirement in 1981. From day one Bob office was an historic treasure trove piled high with books, documents, photographs and local history memorabilia. The local history that Mr. Keene carried in his head, garnered from his own personal experiences and his years working with William Dunwell, was considered so valuable, that the town board recently budgeted $10,000 to capture it all in an oral-history project. Regrettably, that project was not begun before Mr. Keene's untimely death. An irreplaceable history is lost to us forever.

Although Bob Keene only settled in Southampton in 1950, from Bar Harbor Maine, his heart and soul beat for Southampton. He loved Southampton and he loved the people of Southampton. He will be sorely missed. I urge my colleagues to join me in celebrating the life and accomplishments of Bob Keene and wishing his family, especially his daughter Melissa Elizabeth, our prayers and condolences.

CONGRATULATING THE GARDNER GRADE SCHOOL CHORUS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. WELLER. Mr. Speaker, I rise today to congratulate the Gardner Grade School Chorus of Gardner, IL. on their recent performance at Walt Disney World in Orlando, FL.

At the direction of Patti Johnson, the Gardner Grade School Chorus had a dream back in 1996, that it would someday have a chance to perform at Walt Disney's Magic Kingdom. After a year of research, planning, rehearsals, and raising the funds that were needed to make the trip to Orlando, the Gardner Grade School Chorus realized their dream on June 9, 1997.

The journey to Orlando by the 40 member chorus and 10 chaperones began on June 7, 1997. After saying their goodbyes to family and friends, the chorus was escorted through Gardner by the local police and fire departments as they began their 23-hour bus ride to the Magic Kingdom. In short Mr. Speaker, this was not a dream come true just for the chorus, it was a dream come true for an entire town.

On June 9, 1997 the long-awaited dream was finally fulfilled. Outlasting the Florida rain, the chorus dazzled the audience as they performed on the Tomorrowland Stage in the Magic Kingdom. The chorus performed several selections in their 25-minute performance including, "Dance, Dance, Dance", "Sea of the Cowboy", and "Footloose". On June 10 the Chorus participated in a 3-hour music education workshop at the Epcot Center, where chorus members received first hand knowledge on how Disney prepares its shows from the Disney cast.

Now as you might suspect Mr. Speaker, this trip was not all work and no play. On the final 2 days of their trip, chorus members explored the theme parks and took part in many of the activities in the Orlando area, taking advantage of a much deserved rest before returning home to Illinois.

Mr. Speaker, the Gardner Grade School Chorus had a dream that they would perform at Walt Disney World someday, and they did. Thanks to the hard work of its members, directors and chaperones, the Gardner Grade School Chorus not only realized their dream, but, they shared their dream with their parents, schoolmates, town, and the people in the audience at the Magic Kingdom. Mr. Speaker, I ask my colleagues to join me in saluting the Gardner Grade School Chorus and their very special performance at Disney World, and I ask that a list of those who participated on this trip be included in the RECORD following my statement.

DIRECTOR

Patti Johnson.

FIFTH GRADE

Carissa Crater, Jaime Wade.

SIXTH GRADE

Laura Bivens, Rhonda Brookman, Nicole DeToye, Misti Domagala, Rachel Hanson, Lynsi Lardi, Nicci Mack, Krystle Phillips, Nikki Rowland, Jonathan Scheel, Sarah Sibley, Lauren Zagar.

SEVENTH GRADE

Brandon Carwell, Milly Chase, Tiffany Hullet, Cassie Kirkpatrick, Krystal Lamping, Renee Moore, Jacob Olson, Carly Scheuber, Samantha Serena, Brigid Sweeney, Ashley Wade, Vicki Wayne, Mary Wollgast.

EIGHTH GRADE

Becky Christensen, Candi Forsythe, Beth Hanson, Cindy Harrop, Mindy Harvey, Meghan Holohan, David Wayne.

NINTH GRADE

Jeanette Bivens, Kathy Bolton, Elizabeth Esparza, Amber Forsythe, Mary Landers, Anne Wollgast.

CHAPERONES

Sandy Harrop, Pam Holohan, Janine Lardi, Sharon Zagar, Becci Forsythe, Mary Hanson, Jody Harop, Denise Sibley, Wendy Rowland, Greg Bingheim, Dick Johnson.

A TRIBUTE TO JOHN L. SMITH

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to a dear friend, Mr. John L. Smith of Chicago, IL, who will be retiring next month from the U.S. Small Business Administration. He has honorably served as director of the SBA's Chicago District Office of over 20 years.

Jack has been a faithful Federal employee for 46 years beginning in the U.S. Navy and then establishing his career in the Department of Commerce's Economic Development Administration. In 1973, Jack was named Regional Administrator for the Commerce Department's Office of Minority Business Enterprise. The SBA noticed his extraordinary accomplishments as Commerce Regional Administrator and after just 2 years, Jack was appointed SBA Chicago District Director. He has been a major supporter of private sector development through his dedicated service. During his tenure, Jack oversaw several billion dollars in loans and Federal contracts to Illinois small businesses.

As you know, Mr. Speaker, I am a member of the House Small Business Committee which oversees the SBA, and the retirement of one of the best directors from Illinois will certainly be a loss to the Chicago business community and to the state. Jack's experience and enthusiasm for his work will be missed greatly by business owners and public officials involved in private sector development. I wish him the best in his future endeavors.

Mr. Speaker, Jack dedicated his life to the community and to the SBA. Now it is our turn to thank Jack for all of the energy and dedication he expended for so many years to make Illinois a better place.

STATEMENT IN SUPPORT OF NATIONAL GIRLS AND WOMEN IN SPORTS DAY

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Ms. KILPATRICK. Mr. Speaker, I rise today to state my strong support for the 12th Annual National Girls and Women in Sports Day. I have long been an ardent supporter of women athletes who use grace, strength, and discipline to break down barriers. Sports instill confidence in girls and women and equip them with important life skills such as teamwork, goal-setting, the pursuit of excellence in performance, and other achievement-oriented behaviors.

National Girls and Women in Sports Day was established in 1987 in memory of the late Flo Hyman, the Olympic volleyball champion who died suddenly in 1986.

Participants in this year's celebration include Tajama Abraham, Sacramento Monarchs center; Lillian Greene-Chamberlain, PhD, national track and field champion; Nancy Hogshead, three-time Olympic swimming gold medalist, Benita Fitzgerald Mosley, Olympic track and field champion; Nadia Comaneci, Olympic gymnastics champion; Robin Campbell, track and field Olympian; Dominique Dawes, Olympic gymnastic gold medalist; Camille Duvall-Hero, world champion water-skier; Kelly Dyer, world-champion ice hockey player; Wendy Hilliard, national rhythmic gymnastics champion; Rusty Kanokogi, highest ranking woman in judo; Nikki McCray, 1996 Olympic gold medalist and member of the newly formed WNBA Washington Mystics; Aimee Mullins, national track and field champion; Donna Richardson, fitness star, national aerobic champion; Chanda Rubin, tennis champion; Lyn St. James, champion auto racer.

At a luncheon today in the Senate Hart Building, Nadia Comaneci was given the Women's Sports Foundation's 1998 Flo Hyman Award. Every year on National Girls and Women in Sports Day, the award is given to women who exemplify the dignity, spirit, and commitment to excellence of Ms. Hyman, captain of the 1984 U.S. Olympic volleyball team.

Ms. Comaneci is the most celebrated gymnast in the history of the sport. She was the star of the 1976 Olympic Games in Montreal, where she won three gold medals, two silver medals, and a bronze, and became the first woman ever to score a perfect 10.

I congratulate Ms. Comaneci for her awe-inspiring achievements, and I applaud the Women's Sports Foundation for its recognition of the importance of sports for women and girls.

MEDICAL SAVINGS ACCOUNTS FOR FEDERAL EMPLOYEES

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. SALMON. Mr. Speaker, I am very pleased today to see the introduction of the Burton/Archer/Thomas/Mica/Salmon legislation on medical savings accounts for federal employees. It is certainly time our federal workers have the opportunity to select a medical savings account for their health care. Over the past two years we have enacted landmark legislation that has made the choice of an MSA possible for some American workers and Medicare recipients. Now it is time to extend that option to our federal workers.

I have long been a proponent of medical savings accounts. While a state senator in Arizona, I sponsored the MSA legislation that was signed into law in 1994. As a member of Congress, I have consistently introduced legislation promoting and expanding MSAs. One of my bills would allow MSAs for federal workers, and two others would "lift the caps" on MSAs for all workers and those on Medicare, virtually allowing everyone the freedom to choose a medical savings account.

MSAs would empower federal employees to take control of their own health care decisions. With an MSA, workers can choose which physician or specialist they want to see and when to see them. They decide how they want to spend their health care dollars, and what they don't spend they can roll over to the next year.

Medical savings accounts would reduce health care inflation for the federal government. Results from the private sector show that companies using MSAs report lower utilization of health care services and reduced high-deductible premiums. This contributes to lower overall health care costs for the United States.

MSAs encourage preventive care and "incentivize" people to live healthier, so that they do not need expensive medical services in the future. Unlike some insurance plans that have deductibles or copays to meet, the employee's MSA account has money in it to use immediately if they desire routine or preventive care.

Because they can roll funds leftover at year-end, an MSA account would offer federal employees the ability to build a fund for future health care needs such as long-term care insurance or nursing home services. The savings accrued in these accounts will also help the federal government by reducing dependence on federal health care programs for assistance.

Again, Mr. Speaker, I am pleased to join in on the introduction of this legislation and I urge all members to support the expansion of health care choices for federal employees by cosponsoring Burton/Archer/Thomas/Mica/Salmon.

UNITED STATES CATHOLIC CONFERENCE QUESTIONS U.S. CUBA POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HAMILTON. Mr. Speaker, I commend to my colleagues' attention the recent statement by Archbishop Theodore E. McCarrick, Chairman of the United States Catholic Conference (USCC) Committee on International Policy. The USCC met on the heels of the Pope's historic visit to Cuba, and concluded that "it is incumbent on us, therefore, to take a fresh look at the issues that continue to divide [the United States and Cuba], and to see if it is not time for fresh initiatives to promote goals of reconciliation among us."

We would do well to consider fresh initiatives in U.S. policy toward Cuba.

STATEMENT ON CUBA IN THE LIGHT OF THE PAPAL VISIT BY ARCHBISHOP THEODORE E. MCCARRICK, CHAIRMAN, USCC COMMITTEE ON INTERNATIONAL POLICY

JANUARY 30, 1998

Together with other members of the USCC Committee on International Policy and staff of the Conference, I have just returned from a most moving and, I truly believe, historic event, the visit by our Holy Father, Pope John Paul II to the Church and people of Cuba. It was a visit that not only provided new hope and energy for the Church in Cuba, enabling the faithful to express their religious beliefs in a climate of ever greater freedom, but may also have marked a positive advance in the long sought for goal of reconciliation among the Cuban people, both within Cuba and with the Cubans in the diaspora. It is our hope that the visit will also mark a new phase in the relations between our two countries, so deeply in need of reconciliation.

As bishops of the Church in the United States, we feel strongly called to express our convictions about possible implications the visit may have for the conduct of our country's policy toward Cuba. No other country in the world looms as large in the minds of the Cuban people and their government as does the United States. No other country has had, and continues to have, such a turbulent and mutually hostile relationship with Cuba as does the United States. And no other country outside of Cuba itself has within it such a large concentration of Cuba's sons and daughters. It is incumbent on us, therefore, to take a fresh look at the issues that continue to divide us, and see if it is not time for fresh initiatives to promote the goals of reconciliation among us.

As a Conference, our overarching concern has been and continues to be the freedom of the Church in Cuba to exercise its threefold ministry of free and open worship, of prophetic preaching, and of Christian service to the needy. Within this essential framework of religious liberty and respect for fundamental human rights which we call upon the Cuban government to assure, we turn to the policies of our own government. The central U.S. policy issue is, of course, the decades-old economic sanctions imposed by our government against Cuba. As far back as 1969, the Cuban bishops called for the dismantling of the trade embargo, a move that was publicly supported by the USCC in 1972. It was only in the present decade, however, that circumstances have made such appeals even remotely possible.

The moral principles governing Catholic teaching on economic sanctions in general, and on Cuba specifically, are well known. The Cuban bishops have repeatedly expressed their opposition to "any kind of measure that, in order to punish the Cuban government, serves to aggravate the problems of our people." Observing that embargoes are acts of force, the bishops addressed provisions of the 1992 Cuban Democracy Act, stating that any embargo that prevents essential foods and medicines from getting to people in need is "morally unacceptable, generally

in violation of the principles of international law, and always contrary to the value of the Gospel."

After the passage of the so-called Helms-Burton Act in 1996, the Cuban bishops expressed their concern that the law runs the risk of "making even more difficult the likelihood of finding peaceful means to lead to the reconciliation of all Cubans." Cardinal Jaime Ortega of Havana added that "Any economic measure that aims to isolate a country and thus eliminates the possibility of development, thus threatening the survival of people, is unacceptable."

And in his departure remarks at José Martí Airport on January 25th, Pope John Paul stressed that, in our day, "No nation can live in isolation. The Cuban people therefore cannot be denied the contacts with other peoples necessary for economic, social and cultural development, especially when the imposed isolation strikes the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living, things such as food, health and education. All can and should take practical steps to bring about changes in this regard."

The officials of our government repeatedly affirm their readiness to at least modify aspects of the embargo, to take some practical steps, in response to clear signs of a greater opening within the society and increased respect for basic human rights, including religious freedom. While we make no predictions on how lasting some of the expressions of openness shown by the Cuban government prior to and during the papal visit may prove to be, it is an undeniable fact that important changes did occur over this past year; allowing for the door-to-door missions conducted by the dioceses to talk about the Pope's visit, permission for a number of open-air Masses, including hitherto forbidden religious processions, granting a larger than previously allowed number of visas for foreign priests and the religious to minister in Cuba, a limited amount of access to the state media, even re-instating Christmas, at least for this past year, as a national holiday, and other expressions of a more open official attitude toward the rights and freedoms of believers.

As welcome as these changes are, it is obvious that they fall far short of the measure of a just society repeatedly outlined by the Holy Father. But they are steps along a better path and should be acknowledged as such. In our view, therefore, it is clearly time for the United States also to take some practical steps of its own and test whether the hopes enkindled by the papal visit can lead to real improvements in relations between our two countries.

First of all, we call upon the President to rescind the onerous and evidently meaningless ban on direct flights to Cuba, requiring all passenger traffic and humanitarian aid to transit third countries en route to Cuba. This ban was lifted for flights related to the papal visit these past weeks, for which we are indeed grateful. But as humanitarian agencies here, such as Catholic Relief Services and Catholic Medical Mission Board, plan their next shipments of critically needed medicines and other aid to the Cuban Church's relief and development agency, Caritas Cuba, they are still faced with the excessive added costs that third country transit imposes.

Secondly, only a very small part of the nutritional and health needs of the Cuban people can be met by these periodic infusions of humanitarian aid from private donors from other countries. The Cuban people need these commodities from abroad, including from the United States, without excessive prohibitions and restrictions. The present socio-political system, privileging those with power and ready access to hard currency but leaving great numbers of the poor with inadequate access to food and medicine, will not be changed overnight. The demands of elementary social justice, however, call upon us to do what we can to alleviate the suffering of the Cuban people, especially the poorest and most vulnerable. Ending the restrictions on the sale of food and medicines, as legislation currently in both Houses and of the U.S. Congress calls for, would be, in our view, a noble and needed humanitarian gesture and an expression of wise statesmanship on the part of our elected leaders.

It is our fervent hope and prayer that the encouraging, inspiring and, we hope, transforming words spoken by the Holy Father in Cuba will continue to strengthen and give hope to the Cuban people, especially our brothers and sisters in the faith. And we pray that his powerful and eloquent calls for a more open, participative and just society, for a liberation "that reaches its fullness in the exercise of freedom of conscience, the basis and foundation of all other human rights," will be ever more heeded by the civil authorities. We urge and look forward to further hopeful signs of positive developments within Cuban society that could lead toward the needed rapprochement between our two countries and reconciliation among all our peoples.

The Holy Father summarized his goal for the visit as offering the "opportunity to strengthen not only the courageous Catholics of that country but also all their fellow citizens in their efforts to achieve a homeland ever more just and united, where all individuals can find their rightful place and see their legitimate aspirations realized." We stand with the Cuban people in their just hopes for full civic, political and religious freedom.

CELEBRATING A CHICAGO LEGEND

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HYDE. Mr. Speaker, one of the few genuine legends of Chicago journalism, Irv Kupcinet, has just completed 55 years of writing one of the most popular columns in the midwest. "Kup" has countless friends in the worlds of entertainment, politics and sports. His entire career has been spent with the Chicago Sun-Times and predecessor newspapers. And on January 18th, the Sun-Times published a warm editorial which I am pleased to share with my colleagues:

KUP A TREASURE

For 55 years, Kup's Column has been a staple of Chicago journalism. And its author, Irv Kupcinet, has been a dean of his profession.

It is not just that he has done what he does for so many years. It is that he has done it with a grace, quality and compassion so often missing from contemporary American culture.

Kup has been a gentleman away from his keyboard as well. Over the years, he has spent his time and money supporting the Weizmann Institute of Science, the Chicago Academy for the Arts, Little City Foundation and the Variety Club, and working on telethons raising money for Easter Seals, muscular dystrophy and cerebral palsy. Last, but certainly not least, he spent an amazing 50 years hosting the Purple Heart Cruise to thank veterans for their service to the country.

And to think this whole, wonderful career happened only because an injury ended his first career as a professional football player.

Football's loss was Our Town's gain. Chicago, and the Sun-Times, are lucky to have you, Kup.

REGARDING COL. WILLIAM VOGEL

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. CALLAHAN. Mr. Speaker, I would like to take a moment to extend my utmost appreciation to Col. William Vogel, district engineer, U.S. Army Corps of Engineers, Mobile District. Colonel Vogel deserves special recognition for the hard work and dedication to his employees demonstrated during the recent reduction in force executed at the Army Corps of Engineers' Mobile District.

Faced with unfortunate, but unavoidable funding constraints, the Corps was forced to notify 192 employees in June 1997 they would be affected by the impending RIF in October of the same year. Obviously, when this notice was made public by the Corps there was tremendous and justified concern and uneasiness felt on the part of those employees whose names appeared among the 192.

Colonel Vogel led the mission to accomplish the necessary reductions and made every effort to minimize the apprehension and potentially devastating implications to his dedicated and loyal work force. He worked tirelessly to accomplish this goal. Realizing the only way a mutually beneficial agreement could be reached was through the cooperation of the Corps' management and the union, Colonel Vogel met often with union officials in an attempt to minimize the impact on those who would be terminated. Among the many efforts designed to accomplish this goal, local union leaders were invited to attend staff meetings and labor-management meetings were increased to every 2 weeks, therefore opening the lines of communication between the two sides.

The immensely successful program which followed was the direct result of Colonel Vogel's efforts. Several options were made available to the employees who faced termination, ranging from early retirement packages to transfers or pay cuts. A center was established to facilitate job placement for those who chose to leave. The final results in December 1997 were, given the potential alternatives, the best possible in this unfortunate situation. Seventy-nine employees left to pursue other employment opportunities and 113 were to be reassigned. Of the 192 employees affected by the Reduction in Force, none were faced with involuntary separation.

I would like to personally thank Colonel Vogel and his staff for their dedication and

commitment to their employees and coworkers. As Congress continues in its efforts to reduce the size of the Federal Government, other Federal agencies facing the same downsizing realities would do wise to study the model and accomplishment put forth by Colonel William Vogel and his staff.

I and everyone else affected by the Corps' reduction in force extend our sincere appreciation for a difficult job well done.

TRIBUTE TO NAVY CAPT. MANUEL A. HIPOL

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. PICKETT. Mr. Speaker, I rise to pay tribute to Capt. Manuel A. Hipol of the Navy Medical Corps who is retiring after almost 30 years of loyal and dedicated service to our country.

Born in Manila, Philippines, Captain Hipol launched his medical career at Manila Central University, completing its thoracic medicine residency program at the Philippines Veterans Hospital in 1966. Later that year he immigrated to the United States and settled in Seattle, WA, where he completed a 1-year internship and then accepted a commission as captain in the U.S. Army.

Like many dedicated, hard working career medical officers, Captain Hipol saw duty in numerous locations including Fort Sam Houston, TX; Fort Sheridan, IL; the Rock Island, IL Arsenal dispensary where he became officer-in-charge; and the Camp McCoy Army Dispensary, Sparta, WI, also serving as officer-in-charge.

Captain Hipol resigned from the U.S. Army in 1974 and almost immediately accepted a commission in the U.S. Navy as a lieutenant commander. His first assignment at the Naval Medical Center, Portsmouth, VA, was in the radiology department of Boone Clinic. He transferred to the reserves and served as commanding officer of the Naval Reserve, Naval Station Branch Clinic 106 in Norfolk. In 1980, he was promoted to the rank of captain.

Captain Hipol was recalled to active duty during Desert Storm and rejoined the reserves after his active duty release. Despite these many transfers and assignments, he remained active in numerous professional and community organizations including: the Association of Philippine Physicians in America; the Manila Central University Medical Alumni Association of America, where he served as national president; the Philippine Cultural Center Building Committee, where he served as chairman; and the Council of United Filipino Organizations of Tidewater, where he also served as chairman.

He has been recognized as 1 of the 20 most outstanding Filipino-Americans in the United States and Canada.

Dr. Hipol will continue his medical practice of outpatient diagnostic radiology in partnership with his wife, Rose, who practices general internal medicine. I join his many friends in wishing Captain Hipol and his family fair winds and following seas.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to RON DELLUMS, a friend and a man whose departure from Congress will leave a major void on Capitol Hill. RON is known as an articulate spokesman for his constituents and a serious legislator of proven ability. These attributes alone when combined with his many years of public service are worthy of praise and commendation. But RON brought more to the job that singled him out as a congressional and national leader.

He reached out: across the aisle, across racial boundaries, and across ideological lines. He did it with a sincerity that was heartfelt and a pure motive, and it showed. This was his magic and this was the key to his many friendships and the unusual respect he received during his service and upon his retirement. I know Congress as an institution is a better place for his service. I hope we as individual Members have learned from his example.

CONGRATULATIONS TO BETHESDA-CHEVY CHASE MEALS ON WHEELS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mrs. MORELLA. Mr. Speaker, it is with great pride that I rise today to recognize the outstanding work done by the Bethesda-Chevy Chase Meals on Wheels. On February 11, the organization will mark the one millionth meal delivered in more than 25 years of continuous service to those in need.

The remarkable commitment displayed by the B-CC program is best exemplified by some of the veterans who have been with the organization since its inception. Alfred Wellborn, Mary Bartels, and Ann-Marie Snyder, all have worked for, and supported, the B-CC Meals on Wheels since the beginning. They are the embodiment of perseverance and dedication.

There are many other unsung heroes of this institution. The burden of cost for deliveries rests on the shoulders of the volunteers, while the Christian Church provides office space for administrative duties. Many other area places of worship contribute by supplying volunteers and organizing routes, such as Chevy Chase Methodist Church, St. Dunstan's Church and St. John's Episcopal Church.

I salute the commitment displayed by these individuals and congratulate them heartily on their achievement. Furthermore, I join the Bethesda-Chevy Chase Meals on Wheels in their celebration of longevity and distinguished performance in service.

THE INTRODUCTION OF H.R. 3136, THE "TRADE DRESS PROTECTION ACT"

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. COBLE. Mr. Speaker, I am pleased to introduce today the "Trade Dress Protection Act." This bill is intended to clarify the law with respect to the applicable legal standards for the protection of trade dress, which includes product designs and packaging.

Several years ago, Mr. Speaker, the Supreme Court, in the case *Two Pesos, Inc.* v. *Taco Cabana, Inc.*, 505 U.S. 763 (1992), held that trade dress which is inherently distinctive is protectable under federal trademark law without a showing that it has acquired secondary meaning. The Court, however, had no occasion to comment on the test that should be applied in determining whether trade dress is inherently distinctive.

Subsequent to the Court's decision in *Two Pesos*, a number of federal courts of appeals have issued conflicting and confusing opinions regarding the showing necessary to establish if trade dress is inherently distinctive. My bill is intended to provide the courts, as well as the U.S. Patent and Trademark Office, with guidance as to the relevant factors to consider in determining whether or not product designs or packaging are inherently distinctive. It has been drafted in conjunction with the Administration to make the registrability and protection of trade dress as efficient as possible for both the applicant and the examiner.

The "Trade Dress Protection Act" addresses a number of other issues as well. Under U.S. trademark law, trade dress is not subject to protection if it is functional. However, the Trademark Act does not define the term "functional" and some courts still rely on widely discredited tests; for example, whether the trade dress in issue is an important ingredient to the commercial success of the product. My bill, Mr. Speaker, attempts to define the term "functional" in a manner consistent with prevailing case law and provides the courts and the PTO with a number of factors to consider when engaging in a functionality analysis.

The "Trade Dress Protection Act" also clarifies the law with respect to which party to a lawsuit bears the burden of proof on the issue of functionality. This issue has provoked a sharp split among the federal courts of appeals.

My bill also provides the PTO with a new statutory basis upon which it may refuse to register matter that, as a whole, is functional. The number of applications seeking registration of trade dress has increased markedly over the past few years, and my bill updates the Trademark Act to provide the PTO with the statutory tools necessary for it to carry out its mission.

Finally, my bill contains a number of technical amendments to the Trademark Act to correct drafting and other errors.

Due to the importance of the issues raised by this bill, the House Subcommittee on Courts and Intellectual Property, which I chair, will hold a hearing on the measure on February 12. My colleagues and I look forward to

hearing the testimony of the scheduled witnesses and to advancing this legislation this session.

PRESIDENT LEE TENG-HUI CELEBRATES TEN YEARS IN OFFICE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. HINCHEY. Mr. Speaker, President Lee Teng-hui of the Republic of China assumed the office of the Presidency on January 13th, 1988, upon the sudden death of President Chiang Ching-kuo. On March 21st, 1990, Lee was elected in his own right by the National Assembly as eighth President of the Republic of China. On March 23rd, 1996, Lee won a landslide victory in the first direct presidential election in the history of China. President Lee was sworn in as the ninth President of the Republic of China on May 20, 1996.

In the past ten years, Taiwan has made remarkable progress in moving toward full-fledged democracy. Vigorous opposition parties compete in regular, fair, frequent elections, allowing Taiwan citizens an opportunity to determine the future of their nation. In fact, Taiwan has succeeded in developing full democratic representation at all levels of government throughout the island.

The right and responsibility to choose political representatives through the ballot box is guaranteed in the Republic of China Constitution. Taiwan's political leaders, from the lowest administrative officer to the highest office holder, must be accountable to the people.

The people of Taiwan will decide Taiwan's future with mainland China. The 21 million people in Taiwan have rejected the so-called "one country, two systems" approach advocated by the government on the mainland. In order for meaningful dialogue to begin between Taipei and Peking, President Lee Teng-hui has made it very clear that the two sides must first narrow the enormous differences between the standards of living and political systems.

On the matter of economic cooperation between the two sides, President Lee Teng-hui on January 7th explained Taiwan's "no haste, be patient" policy on investment in mainland China by saying that the policy is aimed at protecting Taiwan's entrepreneurs and Taiwan's overall interests.

In addition to advocating economic caution in dealings with mainland China, President Lee has repeatedly said that Taiwan, like all sovereign nations, must be given a place in the international community. Since mainland China has never stopped trying to have Taipei expelled from the world village, Taiwan must promote its "pragmatic diplomacy" more actively.

There is no question that Taiwan faces many challenges in the world. But Taiwan stands tall and firm as a beacon of freedom in the Far East. In addition, I would like to express admiration for Taiwan and President Lee Teng-hui for their skill in economic management. While other countries in Asia are suffering from plunging currency values, Taiwan has remained secure and stable.

In large measure, that is because of Taiwan's careful banking practices, and high foreign reserves. The Washington Post reports that Taiwan has been so confident of its fiscal management that it is prepared to use its vast financial resources to aid its Southeast Asian neighbors. As an indication of Taiwan's willingness to offer help to its troubled neighbors, high-level delegations, composed of government officials and business leaders, have been visiting the Philippines, Indonesia, Thailand, and Singapore.

Taiwan is a good neighbor in Asia and a responsible member of the international community.

On the occasion of President Lee's ten years in office, I wish him and his country much good fortune in the months and years ahead.

May the year of the Tiger be a good one for all my friends in Taiwan.

THE FEDERAL EMPLOYEES HEALTH CARE FREEDOM OF CHOICE ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. BURTON of Indiana, Mr. Speaker, I am please to join my collegue Congressman ARCHER in introducing today the Federal Employees Health Care Freedom of Choice Act. This is significant legislation because it will allow Federal employees the option to choose a medicare savings account combined with a high deducatible catastrophic policy under the Federal Employee Health Benefit [FEHB] Program. We believe that it is important that Federal employees have the same option that is now, or will be, available to almost every other American. By offering an MSA, Federal employees and their families will have the opportunity to take control over their health care dollars by choosing their own doctors.

The FEHB Program is the largest employer-sponsored health insurance system in the country. The program is often cited by both the private and public sector as a model of efficiency and effectiveness, controlling costs through private sector competition with limited governmental intervention. Participants choose from roughly 400 competing health plans nationwide, with anywhere from 10 to 30 health plan options available in any particular area. With a fixed dollar amount contributed by the Government, Federal employees can decide which health plan best meets their specific health needs. We strongly believe that the FEHB Program can be further enhanced by allowing enrollees the opportunity to choose an MSA option.

Under our legislation, MSA's combined with a high deductible plan will be available to all FEHP Program enrollees, including active workers, dependents, and annuitants, at the beginning of 1999. The annual deductible limits are identical to those currently in law for private market MSA's: $1,500–$2,250 for individual coverage with an annual out-of-pocket cap on expenses of no more than $3,000, and $3,000–$4,000 for family coverage with an annual out-of-pocket cap on expenses of no more than $5,500. Contributions made to the MSA and any interest on the account will build up tax free. Distributions from MSA's are exempt from Federal income tax to the extent that the distributions are used to pay for qualified health expenses. Should the worker retire prior to age 65, he or she can continue coverage through the high deductible health insurance plan and will continue to have contributions made to his or her MSA.

I believe that there are many advantages to using MSA's. One of the most important advantages of MSA's is that it provides individuals maximum freedom of choice regarding their health care. Rather than putting the power to choose in the hands of the Government, employer, insurance company, or provider, MSA's keep the power to choose in the hands of the patient. In addition, MSA's have been shown to be cost effective. Under the current third party system consumers have little incentive to limit spending or weigh the cost-benefits of services. However, when individuals realize that the money in the MSA's belong to them, they are much more cost-conscious purchasers of health care and make much more informed judgments about their own health care needs. And, as a result of more cost-effective use of health care resources, health care costs are reduced not only for the individual, but ultimately for the Government and the taxpayers.

Over the past few years, many of us in Congress have fought hard to provide MSA's to Americans. We have succeeded in providing MSA's to both individuals in the private sector and Medicare beneficiaries. It is now time for us to turn to our Federal employees and empower them to control their own health care decisions.

Adding MSA's to the FEHB Program will expand choice to Federal workers, improve their health coverage, and reduce heatlh care costs for Federal employees, the Government, and taxpayers. Furthermore, they will further strengthen and improve the FEHB Program by expanding the array of choices in the program. I urge my colleagues to join us in supporting this essential legislation.

HONORING THE 75TH "DIAMOND" ANNIVERSARY OF THE CITY OF SOUTH GATE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, it is with great pride and honor that I rise today to recognize the 75th "Diamond" Anniversary of the City of South Gate, California.

Founded on January 20, 1923, the City of South Gate is a proud community where families and industry flourish together. South Gate's successful blending of the needs of the community and industrial base provides residents with a safe community where families can prosper, industry can succeed, and diversity can thrive. Fittingly, South Gate has consistently ranked among the best cities in Southern California for its quality of life, and in

1990, won the "All America City" award from the National Civic League.

South Gate's motto, "Opportunity," is fitting for this thriving community. Throughout the city's history, it's opportunity that gave Amelia Earhart a place where she first learned to fly; it's opportunity that gave rise to the spectacular transportation and industrial base the city grows from; and it's opportunity through the city's ethnic diversity, safe communities, and positive youth outlets that allows South Gate to prosper. Whether it be religious cooperation or community volunteering, abundant parks or growing industries, South Gate has always promoted opportunity for its diverse population in order to give rise to success.

To the casual observer, South Gate is seen as a place with a strong history of support for the promotion of the "ideal community" through individual and collective opportunity. Look deeper and one sees that "opportunity" has always been a way of life for South Gate's citizens. Industries are thriving because of targeted incentives and investments in the commercial districts; residents are prospering because of the city's nationally recognized schools, parks, churches, civic groups, and recreational facilities; and the community is flourishing because of the unequaled protection provided by the police, fire, and public-works services.

Over the past 75 years, South Gate has persevered because of its innovative spirit, community vitality, and diverse population. But most importantly, South Gate has excelled because of the opportunities given to its people. I congratulate South Gate on their 75th anniversary and for being a city whose vision and character reflect the best of America.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. KIND. Mr. Speaker, we have been back in session for several days now and still no word on campaign finance reform. With almost daily editorials and articles in newspapers across this country, how can we sit back and ignore a call to action? There may be different ideas promulgated and different reservations expressed about the problem but until those ideas and reservations are debated on the House floor, we are getting nowhere fast. The American people deserve a response to their concern.

This week the members of the House of Representatives were in town for a very light schedule. This would have been a perfect time to consider campaign finance reform. I hope that next week, with another light schedule, we may take up this important issue. The people of my district refuse to accept "no" for an answer.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. BISHOP. Mr. Speaker, on Friday, February 6, 1998, the House of Representatives and the California Delegation will bid farewell to RON DELLUMS, a man who will go down in history as one of the most effective legislators ever sent to Washington. I rise today to pay tribute to this man who has served this country and this body with great distinction, valor, integrity, and honor.

He has been a faithful servant on a long journey. When he came to Congress in the early seventies, he came with a mission—to ensure civil rights and social justice for all mankind. His record speaks for itself. From leading the fight against apartheid in South Africa to providing comprehensive solutions to a myriad of problems that this country has faced over the last 27 years.

RON's presence in Congress will surely be missed. His wisdom and hard work have provided a solid foundation on which the Congress continues to build. It has been a pleasure working with him throughout the years. He has all always been fair and equitable in his approach. I am pleased that I have been able to build a lasting professional and social relationship with RON. He has given me sound advice and has provided a legacy for legislators such as myself to emulate.

He has worked tirelessly to provide the people of the Ninth District of California with a sound, reasonable, and effective voice in Washington while providing the entire country with superb statesmanship. His accomplishments are innumerable.

I would like to thank RON for his commitment, wisdom, and guidance to our great nation. His work ethic has been and will continue to be the measure by which all legislators should be judged.

As he leaves this body to pursue new interests and endeavors, I want him to know that our prayers are with him and his family. I know that God will continue to bless and keep him as he moves into yet another phase of life.

H.R. 2846—NATIONAL TESTING

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. LUCAS of Oklahoma. Mr. Speaker. During the first session of the 105th Congress, nearly 300 members of the House rejected the President's federal testing plan as part of the FY 1998 Labor, HHS, and Education Appropriation Act. A compromise was reached that prohibited the President from moving forward with national testing in FY 1998. However, no agreement was reached regarding national testing activities in FY 99 or beyond. Therefore, President Clinton is at it again.

For some reason the Clinton Administration thinks people inside the beltway know what is best for my children and my constituent's children in Western Oklahoma. The Department of Education is moving forward to write a national test to be voluntarily administered to fourth and eighth graders in reading and math respectively. How can a huge bureaucracy such as the Department of Education know how to test the students of Hollis, Oklahoma? Has anyone from the Clinton Administration ever been to Hollis, Oklahoma? Is it appropriate to give fourth and eighth grade students in Boise City, Oklahoma population 1,509 the same national test as the students in Boston, Massachusetts? What is the Clinton Administration hoping to accomplish with the results of these beltway developed tests?

Many questions still need to be answered regarding the manner in which the Administration is moving ahead with test development. During consideration of the FY 98 Labor, HHS, and Education Appropriations Act, I head from hundreds of parents who were irate with the proposal of national testing. Parents, local PTA's, and local school boards know what is best for their local students. Lets support the parents in our districts by voting in support of H.R. 2846 and insuring that Congress will have a voice in developing any sort of voluntary testing. Parents need to know that their children's best interests are being protected.

25TH ANNIVERSARY OF JOHN H. HARLAND CO. IN GURABO, PR

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. ROMERO-BARCELÓ. Mr. Speaker, I am pleased to have the opportunity to call attention to an important American success story. This past December 1997, the John H. Harland Co., headquartered in Atlanta, GA, celebrated the 25th anniversary of its Gurabo, PR, printing plant.

The Gurabo plant opened in 1972. During that quarter of a century, Harland's employees have played a crucial role in helping the company meet the needs of its customers. Today, the 52 employees at the Gurabo facility fill approximately 31,000 check orders each month for customers of financial institutions in Puerto Rico, Antigua, the Virgin Islands, the Dominican Republic, and throughout the Caribbean. The financial institutions represented include Banco Popular, Banco Santander, Citibank, Scotia Bank of Puerto Rico, and Banco Bilbao Vizcaya.

Based on their experience with Harland's Gurabo facility, many of these financial institutions now also use other Harland products and services, including the company's database marketing software which help them to better understand the needs of their customers. They have served as a fine example of entrepreneurship, demonstrating over the past 25 years their commitment to the development of quality products and services. As the needs of their clients expanded or varied, so did their services.

The John H. Harland Co. was founded in 1923, and is the second largest check printer in the United States. It is also the Nation's leading provider of database marketing to financial institutions. Harland is understandably proud of the Gurabo plant and its employees. And Mr. Speaker, we are proud to have such a good corporate neighbor in our community. John H. Harland Co. has preserved and enhanced a great tradition during its first 25 years in Puerto Rico. I offer my congratulations to the John H. Harland Co. and its employees on the occasion of its 25th anniversary in Puerto Rico. It is my hope that their fine example proves to be a catalyst for other companies to make similar commitments. May the company's endurance and prosperity serve as positive lessons to future generations of Americans.

JENNIFER RODRIGUEZ PARTICIPATION IN THE WINTER OLYMPICS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. DIAZ-BALART. Mr. Speaker, it gives me great pleasure to rise today, just one day before the Opening Ceremonies at the 1998 Winter Olympics in Nagano, Japan to congratulate Jennifer Rodriguez, the first Cuban-American to participate in this most important event. Ms. Rodriguez, who will compete in the women's speedskating tournament, also has the distinction of being the first Hispanic athlete and the first Miamian to participate in a Winter Olympics. As a Hispanic, a Cuban-American and a resident of South Florida, I am immensely proud of Ms. Rodriguez great accomplishment.

We are blessed to be the heirs of an extraordinary tradition of athleticism, competition and camaraderie which began over 2,000 years ago in Ancient Greece and lives on in our modern Olympic games. These celebrations bear witness to the best in the human spirit—the Spirit of the Olympiad. As elected officials, we too partake of an arena which itself is marked by conflict. All too often, however, we forget to play fair—the old cliche that it is not just about winning. These games should remind us of the inherent value of sportsmanship.

I salute Ms. Rodriguez for her dedication. Her effort serves as testimony that those virtues the Ancient Greeks so valued are alive and well, so much so that they have driven a young woman from the warm, semi-tropical climate of her native South Florida to the ice-cold weather of Milwaukee where she has been training rigorously since 1996 for this upcoming event.

Good luck Ms. Rodriguez and best wishes to your family! They, like me, must be very proud.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it saddens me today to say goodbye to Congressman RONALD V. DELLUMS of the 9th District of the State of California. He has brought a great conscience to this body during our debates over military spending and the role of the modern U.S. military. He is as thoughtful and passionate on issues to protect the opportunities for children as he is on reducing a massive military budget. Mr. Speaker, on those issues of advocacy of children, he reminds many of a mutual friend of both of ours, Congressman Mickey Leland of Texas.

Mr. Speaker, we all know that Congressman DELLUMS is a staunch opponent of weapons funding, specifically the funding of the B–2 bomber, an issue where he and I have disagreed on sharply. However, as with all his dealings with opponents, I never experienced a slight or an unkind word.

Although he opposes many weapons funding initiatives, he is not an enemy of our military or the ideas of the country it is sworn to protect. Rather, he is outspoken when in times of peace, our military spending takes more importance than feeding our children.

I would be remiss if I did not acknowledge that Congressman DELLUMS and Congressman Leland lead the effort to end U.S. support for the apartheid regime in South Africa by introducing legislation calling for economic sanctions. Fifteen years later, that legislation passed the House, imposing the sanctions that would eventually lead to the dismantling of apartheid and begin the creation of a new South Africa.

Congressman DELLUMS was born in Oakland, CA, on November 24, 1935. However, he has deep Texas roots. After serving in the U.S. Marine Corps for 2 years, he received an A.A. degree at Oakland City College, A.B.A. from San Francisco State University and his master's in social work from the University of California at Berkeley.

Throughout his career in the Berkeley City Council and Congress, his education background and experience in social work helped draw attention to the plight of the poor and influence the implementation of policies like the National Health Service Act and the Head Start Program.

Mr. Speaker, among all his legislative accomplishments and contributions to this body, all Americans, particularly African-Americans are proud that in 1973 he was the first African-American appointed to the formerly known House Armed Services Committee. He made another historic first in the 103rd Congress, becoming chairman of the committee. As chairman, he articulated a progressive and alternative vision of the military, beginning an honest debate over the possibilities of reinventing our military forces without threatening national security.

Mr. Speaker, ironically, the wars in Vietnam and on the streets of urban ghettos developed his sense of compassion and concern for those who face inequities and discrimination. He could have easily had a bitter soul forged out of the fires from the 1960 riots and battles he knew so well, but he chose to care and use his mind and ability for justice. Therefore, he is a great example to young men and women that the anger and distress known to many of our cities can be directed to solving our country's most pressing social problems.

Mr. Speaker, although many Members of Congress may have disagreed with his stands on military spending and his legal challenges to a President's authority to declare war on countries, no one can dispute that his arguments and debating style were pragmatic, intelligent, and were carried out with respect and dignity toward others, regardless of ideology. Therefore, he was respected in this House by those of all ideologies and political persuasions.

Mr. Speaker, our colleague from California is leaving this body after a long and productive career. While I can say that his return to private life is much deserved, I must say that he will be sorely missed because of his courage, leadership, and compassion. I will miss him as a friend.

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. PICKERING. Mr. Speaker, I was unable to return to the House floor last evening due to a scheduling conflict and missed the following vote:

Rollcall vote No. 7, passage of H. J. Res. 107. Had I been present, I would have voted "aye."

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. SOUDER. Mr. Speaker, I have introduced H.R. 2970, the National Historic Lighthouse Preservation Act, which would amend the National Historic Preservation Act, to establish a national historic light station preservation program. This legislation was introduced in the other body by the Chairman of the Energy and Natural Resources Committee, Senator FRANK MURKOWSKI of Alaska.

As you may know, Mr. Speaker, lighthouses have served as life-saving navigational aids since before the turn of the century. However, many of these lighthouses have outlived their use to the Coast Guard as navigational aids. Thus, the Coast Guard is left with surplus lighthouses, and declares them "excessed." The question then becomes, who cares for these lighthouses once they leave the Coast Guard's hands? If the land on which a particular lighthouse in question was first granted by a Presidential Order to the U.S. Lighthouse

Establishment, it is considered to be "public domain," and has to be first offered through the Bureau of Land Management (BLM) to the Interior Department. If the Interior Department does not claim the land, then the lighthouse is placed in the General Service Administration's (GSA) excessing process. If the property is not considered public domain, then the lighthouse is placed directly into the GSA excessing process.

Through the GSA process, priority is first granted to federal agencies. This means that the lighthouse could be used for such things as an office for the Internal Revenue Service. If no federal agency claims it, the property is then surveyed to see if it suitable to qualify under the McKinney Homeless Assistance Act, thereby allowing it to be transferred to those organizations that assist the homeless. Should neither of these categories claim the lighthouse, it is then offered to the state in which it is located, possibly to be used for recreation purposes. If the state not claim it, then it is offered to the local government where the property is located. Finally, if the lighthouse is still available at the end of the GSA process, it is put up for public sale.

The real tragedy here, Mr. Speaker, is that many of these lighthouses have been protected and preserved over the years by non-profit historical lighthouse societies, which have donated a great deal of time, money, and resources to lighthouse preservation efforts. As you can see, in order to have the lighthouses conveyed to them, they must wait through the long process described above, and then must bid on them. This process basically requires these non-profit organizations to compete financially with private groups that have greater access to funds, and that have, in many cases, not made the same commitment to the lighthouse in the past. In addition, these private groups may have plans for the lighthouse that are inconsistent with the best interests of the community. Though these non-profit groups can, in some specific cases, purchase the light house directly from the BLM, they sometimes have to pay as much as half of its market value—a value that those particular groups helped to increase over the years through their hard work. Thus, the message we are sending here is that if you're going to provide a public service by preserving historical sites, you're going to have to pay for them in the end.

I should point out that another method for conveyance is for Congress to enact separate pieces of legislation to transfer a lighthouse to a specific group. As you know, this process can be very time consuming and cumbersome considering that there are hundreds of lighthouses that will be excessed in the near future.

My legislation would introduce a degree of fairness to the conveyance process for historic lighthouses by amending the National Historic Preservation Act to transfer this process to the National Parks Service, which would be able to work in conjunction with the State Historic Preservation Officer, to establish a national historical light station program. This new program would have priority to those government agencies that have entered into a partnership agreement with a non-profit organization whose primary mission is historical preservation of lighthouses, and would convey them at no cost. If no such applications are offered, or approved of, then the lighthouse would be put up for public sale. Thus, this legislation would help to ensure that in those cases where a non-profit group has been active in a particular lighthouses' preservation, and wishes to continue in it's work, that that group would be given a fair shot at claiming that lighthouse when the Coast Guard declares it excessed.

Mr. Speaker, we need to recognize the very important role lighthouses have played in this country's history. By encouraging government agencies to join with non-profit groups to help preserve lighthouses for the future, we will be providing a much fairer process to those who wish to continue their work in preserving these nationally historic structures.

TRIBUTE TO THE HONORABLE RONALD V. DELLUMS

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1998

Mr. STARK. Mr. Speaker, we are here to celebrate the career of a champion of Democratic principles in the House of Representatives. I am honored to have served with my friend, RON DELLUMS.

For over a quarter of a century, I have had the distinct privilege of joining RON in the good fight. He vehemently opposed our government's involvement in Vietnam. He asked the tough questions and pursued the truth in the crime of Watergate. He demanded quality for women and minorities and defended civil rights. He did not waver in the charge to stop the testing of nuclear weapons. He fought for the poor, the disabled, and the disadvantaged, in the hope that all Americans could partake in our country's bounty.

His focus, above all, was to promote peace. His work on the National Security Committee earned him the respect of all his colleagues for his grasp of issues, his focus and his powerful oratory skills. He worked for decades to expose unnecessary military spending and cut defense spending. He came here to make things better for all Americans and he succeeded.

Mr. Speaker, I stood with RON DELLUMS for close to three decades; I am saddened to see him go but I know he will make a difference for the better wherever he goes.

FINANCIAL ACCOUNTING FAIRNESS ACT OF 1998

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1998

Mr. BAKER. Mr. Speaker, today I am introducing a bill that will serve as a legislative remedy to a flaw in the private sector process for developing financial accounting standards. Specifically, the Financial Accounting Fairness Act (FAFA) will provide for judicial review of accounting principles that the Financial Accounting Standards Board has developed and the Securities and Exchange Commission has approved. In short, public companies will not be able to do what they currently cannot: have their complaints with the substance of a proposed accounting principle aired in the neutral forum of the federal court system, just like those companies can when they are affected by other SEC rules and regulations.

Congress should not have to inject itself in these controversies each time they erupt—as it has in recent years with squabbles over accounting for stock options and derivatives. Rather, the federal court system, the traditional mechanism our democratic republic has employed to solve disputes, should be called upon to serve as the final independent adjudicator of thorny issues that arise in accounting principles.

Yesterday the issue was stock options. Today it is derivatives. What will the issue be tomorrow and beyond? The process needs to be fixed, and fixed now, before another disagreement again causes congressional intervention—an outcome few observers want.

Since 1934, when Congress and President Roosevelt created the SEC, the agency has had the ultimate responsibility for establishing financial accounting and reporting standards for public companies. Although the SEC decided long ago to place that authority in the private sector—a system that by and large has worked well—it has maintained oversight authority of these principles with regard to the federal securities laws. Since its creation in 1973, the Financial Accounting Standards Board (FASB) has served this role. Like its two predecessors, the Committee on Accounting Procedure and the Accounting Principles Board, statements and interpretations of the FASB have benefited from an SEC presumption that financial statements not in compliance with these principles are misleading and therefore in violation of the federal securities laws. As a result of this policy, FASB pronouncements have generally had the full force and effect of SEC regulations.

Although it is true that the FASB itself has extensive procedures to allow parties interested in FASB projects to make their opinions known, questions have arisen whether persons aggrieved by FASB pronouncements have the right to judicial review of their complaints, and whether such prononuncements must comply with the requirements applicable to other SEC regulations.

Recently, for example, the FASB held 100 public meetings to discuss a project, followed by four days of public hearings, and still more public meetings on an "Exposure Draft" of a proposal related to accounting for derivatives and hedging activities. Yet, even with all this openness, and ample opportunity for interested parties to comment on the project, there exists substantial dissension on what has emerged as the final product. Some have claimed that the process, however open, does not provide meaningful opportunities for a party—whose business may be fundamentally affected by SEC-enforced accounting and reporting standards—to truly have their concerns heard. Ultimately, the FASB can and will move forward, and its product will be endorsed through routine SEC policy. This process is

flawed. Congress, having given the SEC an important responsibility for establishing accounting principles for public companies, should now clarify that judicial review can and will be available for persons whose livelihoods are at stake because of these rules.

FAFA makes it clear that judicial review is available in the event that an aggrieved party decides to seek it, and that accounting principles established for federal securities purposes shall meet the same good standards that other SEC promulgations must. To require less is to say that financial accounting principles are somehow different in nature and kind from other SEC regulations, and that they should be exempt from legal challenge, no matter how good the reason. At the end of the day, this legislation will simply provide a last chance for an aggrieved party to make its case before a neutral forum—a federal appeals court—rather than limiting it to pleas before the very body that implemented and created the standard.

The Financial Accounting Fairness Act retains the current system of private sector development of accounting principles. It in no way interferes with the FASB's process for producing financial accounting guidelines. It will not meaningfully affect the speed with which these standards are implemented, except in the event that an appeals court decides that good cause exists to stay the implementation of the standard pending resolution of a case before the court. As a result of SEC policy, FASB pronouncements have generally had the full force and effect of SEC regulations. Other SEC regulations are subject to judicial review, and the Act would allow SEC-recognized accounting principles to be similarly reviewable.

Under the Fairness Act, FASB accounting principles, as well as the FASB's record of proceedings, would be delivered to the SEC, which would in turn publish notice of each principle, and provide interested persons an opportunity to comment. The SEC would then determine whether the principle shall apply to public companies by issuing an order approving or disapproving it. In making this decision, the agency must consider the proposed principle's impact on the protection of investors, and whether it will promote efficiency, competition, and capital formation. Additionally, no principle may be approved that imposes an unnecessary or inappropriate burden on competition. These requirements are identical to those applied to other SEC regulations.

If the principle will apply to persons subject to Federal banking agency oversight, each applicable agency shall be consulted, and its views considered. Without SEC approval, SEC registrants shall not be required to comply with FASB standards for the purposes of SEC filings.

If an aggrieved party determines to seek judicial review, the Act would, in accordance with current law regarding SEC regulations, recognize the conclusiveness of SEC findings of fact supported by substantial evidence. Moreover, the reviewing court must affirm and enforce the regulation unless the SEC's action in approving the regulation is found to be arbitrary, capricious, or an abuse of discretion, among other such considerations already required under existing law. The Act would only apply to FASB pronouncements formally adopted after January 1, 1998.

Recent events have highlighted the need for this legislation. I look forward to its passage, so that the need for congressional involvement in the development of financial accounting principles will be reduced or eliminated in the future. Only when aggrieved parties clearly have the opportunity to make their cases in court will we have accounting standards that are truly accountable for their impact on public companies.