HOUSE OF REPRESENTATIVES—*Tuesday, July 21, 1998*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. DEAL of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 21, 1998.

I hereby designate the Honorable NATHAN DEAL to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Florida (Mr. MILLER) for 5 minutes.

URGING THE PRESIDENT TO WORK WITH CONGRESS TO SAVE THE CENSUS

Mr. MILLER of Florida. Mr. Speaker, I rise today to address the increasing partisanship of the White House over their embattled Census plan. Last week the White House made two comments that demonstrated how far they will go to get their way.

First, they announced their intention to shut down a huge part of government over the Census, and later in the week the Vice President made some racially divisive and inaccurate comments.

Let me begin by making the majority position on the Census very clear. We want to save the Census from failure. The General Accounting Office and the Commerce Department's own Inspector General have warned that the Clinton administration is risking a failed Census plan. Their plan is too complicated and relies on unrealistic assumptions and timelines. We cannot allow the Census to fail. The 2000 Census will cost about $4 billion, and we cannot risk that kind of money on a plan that probably will not work.

What Republicans want to do is work with the administration to save the Census. We have some very specific problems with the administration's plan. Experience has shown that sampling used on a large scale just is not accurate enough for a Census.

In 1990 the Census Bureau tested sampling and compared it to the actual enumeration. For cities and towns with populations under 100,000, the actual enumeration, that is, counting everyone, proved to be more accurate and reliable. So we do not believe we should spend $4 billion on a plan that has failed its only test. That does not seem to make much sense.

Another major problem is the deletion of Americans from the official Census count. Again, when they tried this in 1990, 1.46 million Americans were removed from the sampled Census. Under the Clinton Census plan, it will happen again. It is wrong to use statistics to remove individuals from the Census count. Because statistics is an imprecise science, real Americans who exist will be removed from the count, and cities and towns all across America will lose representation.

If Members are concerned about the undercount, as I am, then they have to be equally concerned about a Census that removes real people from the official count. They, too, would be undercounted under sampling.

We are concerned that the administration is moving forward without the consent of Congress. They simply ignore the fact that the Constitution gives Congress the responsibility to direct how the Census is conducted. Much of the Census is about trust. The American people have to trust the outcome of the Census or else it is worthless.

If the administration ignores Congress, they will guarantee a failed Census. They need to work with us so all Americans have faith that the process was inclusive and open.

That is why I was disappointed to hear last week that President Clinton wants to shut down the government over the Census. He wants to sign a bill that provides 6 months of funding for the whole Commerce Department, the whole State Department, and Justice Department, so he can have leverage over the Census.

Can Members believe the President wants to take cops off the street to get his way over the Census? Can Members believe the President wants to hold U.S. foreign policy hostage to the Census? Why would he want to shut down the Border Patrol over the Census? It is irresponsible, and goes against his 1995 statement when he said, "It is wrong, deeply wrong, to shut down the government while we negotiate." Work with Congress, Mr. Speaker, and we will have a better Census.

I was, along with many of my colleagues, saddened by comments made by Vice President GORE at the annual NAACP convention. He told the participants that the Republicans "don't even want to count you in the Census." These outrageous comments do nothing to unite America, and do nothing to help save the 2000 Census from failure.

Congressional Republicans are prepared to make an unprecedented effort to count all Americans. We have provided more money than the President requested so we can do a much better job of counting minorities. I hope the administration stops trying to divide America over the Census, because that will not lead to a more accurate Census, and it certainly will not increase trust in the Census.

Mr. President, work with Congress. I ask the President to stop holding the rest of government hostage to getting his way on the Census. Stop trying to divide America against one another. Work with Congress, and together we can save the 2000 Census.

THE WELL-BEING OF AMERICA'S FAMILIES DEPENDS UPON THE HEALTH OF OUR SCHOOLS AND LIBRARIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the goal of those of us here in Congress should be to be a full partner for the American people, who really care about the essentials. They want their children to be safe when they go out the door to school in the morning, they are concerned about the family's economic security, and they want them to be healthy, physically and environmentally.

This well-being of our families depends upon the health of our schools. There are some in Congress who would turn their back upon the historic responsibility that the Federal Government has had with education, claiming

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that this is exclusively a State or a local responsibility. Nothing could be further from the truth. The Federal Government has always played a major role in education, starting from the Land Ordinance Act of 1785 through the GI bill to school lunches today.

There are three critical areas that we must address here in this Congress: assistance for the children who are the most difficult and expensive to educate; the reduction of gun violence, so that families can have peace of mind when the children go to school; and the promotion of computer skills and access that are so essential for success in today's world.

Congress mandated, appropriately so, in the 94th Congress that there would be special education access for children with severe learning disabilities, but along with that mandate came a promise of 40 percent funding from the Federal Government, appropriately, for these children are the most difficult and expensive to educate. Yet, we are contemplating only 9 percent Federal funding in place of that 40 percent commitment.

In the area of gun safety, we have seen example after example across this country where carnage has erupted on our schoolyards. Yet, at the same time, this Congress has a number of bills before it that are designed to reduce the incidence of gun violence. So far, not one has been scheduled to come to this floor.

Finally, in the area of Internet connection, that promise was to be made through the mechanism of the E-Rate, a heavily discounted fee that would be available particularly to inner city schools, rural schools, but all American schools and libraries would benefit, to some degree. This was the promise of the Telecommunications Act of 1996, and yet this promise has yet to be fully implemented. Indeed, today there are some in Congress who are threatening to repeal that provision, leaving behind the most needy children from the information superhighway.

There is no reason for us to shrug our shoulders, no excuse for inaction. We know the problems. We in Congress have made the commitments. We currently have the strongest economy of a generation. Indeed, some of my friends in the Republican leadership feel we have so much money that they feel comfortable contemplating a $1 trillion tax cut over the next 10 years.

I would suggest that, first and foremost, we tend to knitting by first fully funding our commitment to special education; by passing commonsense legislation to reduce gun access, the cap laws that would mandate safe storage and responsible gun ownership; and finally, keep our commitments to our schools and libraries by fully funding the E-Rate. Americans and their children deserve no less from this Congress.

FOLLOWING THROUGH ON THE COMMITMENT OF THE HOUSE TO ELIMINATE THE MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, earlier this summer this House made a commitment to eliminate the marriage tax penalty. I thought this morning that I would talk about why it is so important that we follow through on that commitment, and follow through on that commitment with a series of simple questions that I hear in the South suburbs and the South Side of Chicago, the area that I have the privilege of representing.

That is, do Americans feel that it is fair that our tax code imposes a higher tax on married working couples? Do Americans feel it is fair that 21 million married working couples pay, on average, $1,400 more in higher taxes just because they are married? Do Americans feel that is fair that this couple pays higher taxes than an identical couple that lives together outside of marriage? Do Americans feel it is fair that our tax code actually provides an incentive to get divorced, because the only way today to avoid the marriage tax penalty is to get divorced and to file that paperwork?

That is wrong. It is unfair. Frankly, really, it is immoral that our tax code punishes society's most basic institution for 21 million married working couples; that is, $1,400 in higher taxes.

Let me give an example of a south suburban couple from Illinois that suffers the marriage tax penalty. The gentleman in the couple is a machinist at Caterpillar. That is where they make the big heavy earth-moving equipment in Joliet. This machinist makes $35,500. If he is single, under our tax code he files and, of course, with the standard exemption and deduction, he is in the 15 percent tax bracket.

He meets a schoolteacher, a schoolteacher in the public schools. She has an identical income of $35,500. If she stayed single, just like her machinist fiance, she would be in the 15 percent tax bracket. Under our tax code, if they choose to get married, they will file jointly. When they file jointly, because they combine their income, and their combined income is $61,000, that pushes them into a higher tax bracket. They are now taxed in the 28 percent tax bracket just because they are married, producing an almost $1,400 marriage tax penalty just because they are married.

That is wrong that this couple, just because they choose to get married, pay higher taxes. If we think about it, what is the bottom line, here? We propose the Marriage Tax Elimination Act which puts a working married couple like our machinist and schoolteacher on parity with an identical married couple that lives outside marriage.

In 1996 this House of Representatives led the way by working to provide an adoption tax credit to help families provide a loving home for a child in need of adoption. In 1997 this House led the way in convincing the President and the Senate that we should provide a $500 per child tax credit which will benefit 3 million Illinois children. That helped families. Of course, this year we can help families again by strengthening marriage and no longer punishing marriage.

Let me share how we propose eliminating the marriage tax penalty. The Marriage Tax Elimination Act, H.R. 3734, is very simple. It is legislation which essentially doubles relief for working married couples by doubling the standard deduction from its current level of $4,150 to $8,300, and also doubling the income tax threshold, which of course you file in the 15 percent if you are single, and just over 24,000, doubling that to a little over 49,000.

So when you are single and you choose to get married, your tax essentially doubles. Your rates are double the income. That brings fairness to the tax code. That is a very simple way of eliminating the marriage tax penalty under the Marriage Tax Elimination Act, doubling the standard deduction, doubling rates, so married taxpayers are not punished just because they are married. That is a simple solution.

This House, of course, made a commitment about 2 months ago to address and eliminate the marriage tax penalty. Our friend, the President, he has a proposal of his own which he says is a better idea. He says we should just expand the child care tax credit for families that are lower-income and, of course, happen to have children. So I thought I would compare, for this machinist and this schoolteacher in Joliet, Illinois, which is really better.

Under the President's proposal, under the President's proposal for a child tax credit, those couples or families that have qualified for the President's expanded tax credit, and they already have one, he just wants to make it a little bigger, they would see about a $350 net increase on take-home pay, money to spend on child care.

I looked into this and asked some local day care providers in Joliet, what does that mean? They said that the average weekly day care cost is about $127 in Joliet, so under the President's proposal, for a working married couple with a child who goes to day care, they would see just less than 3 weeks of day care financed by the President's proposal. If we compare this with this machinist and schoolteacher, eliminating the marriage tax penalty, $1,400, with the same weekly day care costs for this machinist and schoolteacher, if they

have a child in day care, it is almost 3 months' worth of day care. So which is better, 3 months or 3 weeks?

Mr. Speaker I ask Members to make a bipartisan commitment to eliminate the marriage tax penalty. This House of Representatives made a commitment earlier this summer to address the marriage tax penalty, and make elimination the centerpiece of this year's budget.

Let us follow through on that commitment. Let us help working families. Let us eliminate the marriage tax penalty. For 21 million couples, $1,400, that is real money for real people. Let us help married couples, and eliminate the marriage tax penalty now.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. tax code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus, a surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46–$48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy martrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working woman's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School Teacher	Couple	Weller/McIntosh II
Adjusted Gross Income	$30,500	$30,500	$61,000	$61,000
Less Personal Exemption and Standard Deduction	6,500	6,500	11,800	13,100 (Single2)
Taxable Income	23,950	23,950	49,200	47,900
	(.15)	(.15)	(Partial .28)	(.15)
Tax Liability	3,592.5	3,592,5	8,563	7,185
		Marriage Penalty: $1,378		Relief: $1,378

Weller-McIntosh II Eliminates the Marriage Tax Penalty

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty, particularly if you think of it in terms of: a down payment on a house or a car, one year's tuition at a local community college, or several months' worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Penalty Elimination Act.

The Marriage Tax Penalty Elimination Act will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles; the Weller-McIntosh proposal would extend a married couple's 15% tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,053 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900 to twice that of singles (currently at $4,150). Under the Weller-McIntosh legislation the standard deduction for married couples filing jointly would be increased to $8,300.

Our new legislation builds on the momentum of their popular H.R. 2456 which enjoyed the support of 238 cosponsors and numerous family, women and tax advocacy organizations. Current law punishes many married couples who file jointly by pushing them into higher tax brackets. It taxes the income of the families' second wage earner—often the woman's salary—at a much higher rate than if that salary was taxed only as an individual. Our bill already has broad bipartisan cosponsorship by Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course. There never was an American appetite for big government, but there certainly is for reforming the existing way government does business. And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentleman, we are on the verge of running a surplus. It's basic math. It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society. We ask that President Clinton join with Congress and make elimination of the marriage tax penalty, a bipartisan priority. Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Let's eliminate The Marriage Tax Penalty and do it now!

THE PATIENTS' PROTECTION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from West Virginia (Mr. WISE) is recognized during morning hour debates for 4 minutes.

Mr. WISE. Mr. Speaker, I say to my friend, the gentleman from Illinois, perhaps the ultimate test of the marriage tax is that it truly shows that couples love each other if they are still willing to get married, knowing they are going to pay more for the privilege.

Mr. Speaker, I want to talk about the Patients' Protection Act. It is essential that it be debated on this floor, and I mean a full Patient Protection Act that protects patients who are in managed care plans. That is why I was number 29 out of 159 that have so far signed the discharge petition, an extraordinary remedy, to bring this bill

to the floor, to force it to the floor so this entire House can vote on it, because it is very likely that the House will not get to vote on this bill unless we get this discharge petition signed by 218 Members. One hundred fifty-nine of us signed it yesterday. I was pleased to be the 29th in line to sign it.

We support a bipartisan Patients' Protection Act, a Patients' Protection Act that works and protects people in managed care plans. Managed care plans can be health maintenance organizations, HMOs. They can be PPOs, preferred provider options. They can be other plans in which you pay less, but you also give up some of your choice in terms of choosing providers and where you go to get your care.

The Patients' Protection Act that I support, and that so far we have 159 Members who have signed the discharge petition on, would say, for instance, that a person going to the emergency room cannot be denied reimbursement for that if they use a prudent layperson's standard, if they had reasonable grounds to go to that emergency room. No insurance company can come behind them and say, no, those pains really were not justified. You do not get paid.

This would also grant a patient a fast appeal, so if an insurance company turns down the doctor and said, no, you cannot give that test, or you cannot perform that procedure, that patient has a right to a fast appeal on that.

It eliminates gag rules. In other words, physicians cannot be told by insurance companies and managed care plans that they cannot tell patients about certain procedures that might assist them, even though those procedures are not covered by the plan. It also guarantees access to specialists. If you do not like the specialist they send you to, it provides you access to other specialists. That is not the case in all managed care plans.

It has prohibitions on financial incentives given to physicians not to provide care. The physician should not be rated on the basis of whether or not they were able to divert people from the care they need. They should be paid on the basis of the excellent care they are capable of giving.

The Patients' Protection Act also has accountability. It has enforceability, for the patient to enforce the provisions on insurance plans. It is not fair that that a physician, in the best exercise of his or her judgment, would try to prescribe a treatment, say a CAT scan, and the insurance company refuses to pay for it, therefore making it not available to that physician to prescribe and to that patient.

Should something happen, who is it that gets sued? The physician gets sued, but the people who actually put it into motion do not. What this would say is that everybody is going to be held accountable in the same way.

The Congressional Budget Office, no friend of the Democratic Party but run by the Republican Party, has estimated the increased cost would be, at the most, about $2 per month to consumers, $4 per month overall. That is not very much to pay for an adequate Bill of Rights.

The plan that we support would apply to 161 million Americans. Regrettably, the one the Republican leadership wants to put forward would apply to only 48 million Americans. In West Virginia, this is a fast-growing area of concern. We have seven HMOs alone that now take up about 11 percent of all patients covered by insurance, around 202,000 people. Those are just the HMOs. They do not deal with the other managed care plans.

While 73 percent of Americans are now covered by some kind of managed care plan, we have not seen that kind of deep penetration yet in our State, but we will, so I want to head problems off in managed care plans before they get to the mountain State. That is why I support a Patients' Protection Act, and why I think it is essential that this Congress vote on it this week.

Mr. Speaker, we urge all Americans to rally around a Patients' Protection Act. It is vitally important that we get a Patients' Protection Act that has true accountability in it, that makes insurance companies responsible, the same way our doctors and providers and nurses and hospitals are responsible.

We want to make sure that we have access to specialists under these insurance plans, these managed care plans. We want to make sure that there are no gag rules. We want to make sure that doctors are not discouraged from providing the treatment that they know they want to be providing.

That is why it is important that this Congress vote, Mr. Speaker, on a Patients' Protection Act that really does something for America.

URGING MEMBERS' SUPPORT FOR THE BASE CAMPAIGN FINANCE REFORM BILL, THE BIPARTISAN CAMPAIGN INTEGRITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized during morning hour debates for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, in the midst of our important work on appropriation bills in this body we are engaged in another struggle, in a historic debate on campaign finance reform. I say it is historic because of the depth of the problem we are addressing, but also because of the length of the debate. It has been a long debate. We have engaged in over 20 hours of debate on this floor on the reform legislation.

I rise today in support of the base bill, which is the Bipartisan Campaign Integrity Act. It is Hutchinson-Allen, the freshman bill that has been offered to this body on which all of the 11 substitute amendments hinge.

Presently we have debated three of the substitute amendments. We are presently on the Shays-Meehan substitute. We are going to have a vote on that in the near future, and then, before the August recess, we will have final action on the campaign finance reform legislation. We will have a vote on the Hutchinson-Allen freshman bill.

I ask my colleagues to join me in continuing to keep our eye and our focus on the Bipartisan Campaign Integrity Act, because I believe it is the best hope for reform that this body will consider. After months of debate, I am more optimistic than ever that this House will pass real reform. The best opportunity for that reform will be the Hutchinson-Allen freshman bill.

I wanted to point out this morning an article that was published in the National Journal by Stewart Taylor, Junior, an excellent examination of the campaign finance reform issue. It outlines four different reasons why the freshman bill is unique among all the proposals, offers something different, is a new direction, and merits our close examination and support.

This article in the National Journal by Stewart Taylor, Junior, was published on July 18, 1998. It says, "The good news is that after a long winnowing process, the two principal campaign finance proposals now before the House of Representatives looked pretty promising."

Of course, he is referring to the Shays-Meehan bill that is presently being debated, but also the freshman bill. But he says that his personal favorite is the freshman bill, the Hutchinson-Allen bill. He goes through four different points that I think merit our consideration.

The first one is that the freshman bill would provide for campaign finance reform without seriously risking judicial invalidation. In other words, the author is saying that the freshman bill is constitutional, does not push that extra limit, infringe upon our constitutional liberties.

If we want something that will pass this House and the Senate, be signed by the President, and be upheld by the United States Supreme Court, then it is the freshman bill. That is the first point that he makes.

The second point that he makes that is unique about the freshman bill is that it significantly bans soft money, as the Shays-Meehan bill also does. But the freshman bill bans the soft money to the Federal parties. He points out that the soft money loophole, whereas perhaps well-intentioned at the beginning, over the years has been abused. It has been. That is the greatest abuse in our system, the soft money loophole

that allows the money that flows outside the regulated system from corporations, from labor unions, from wealthy individuals. That is what is addressed in the freshman bill very significantly.

A third point that he makes is the political realities. The freshman bill passes the political realism test. We are going to have to avoid the extremes. We do that, whether we are talking about free TV or whether you are talking about public financing. The freshman bill is realistic reform that can pass this body in a bipartisan fashion.

The fourth point that he makes that is significant is that the freshman bill breaks the relationship between the Federal officeholder and the chase for soft money. I believe that is unique about the freshman bill, because we prohibit a Federal candidate from soliciting soft money for the Federal parties, but as well as any State party other than his own, I think for any soft money at all; breaks the link between the Federal candidate and the chase for soft money.

These are four important, unique aspects about the freshman bill. It is good legislation that I urge my colleagues to support. First of all, it strengthens the individual role in our campaign system. It does that by preventing the individual role from being drowned in a sea of soft money, so it strengthens the individual; also by providing more information, increasing disclosure, information as to the timeliness of where the money is coming from. Then it stops the erosion of the value of the individual contribution by indexing benefits to the rate of inflation, indexing the contribution limits. That is what is good.

I urge my colleagues to support the freshman bill when it comes up for a vote on the floor.

AMERICANS NEED A PATIENT BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Maine (Mr. BALDACCI) is recognized during morning hour debates for 5 minutes.

Mr. BALDACCI. Mr. Speaker, I am pleased to rise this morning to discuss one of the most important issues facing this Congress, the need to adopt a meaningful, comprehensive Patient Bill of Rights. For too long patients have been forced to wage lonely battles against sometimes callous managed care companies. We have heard too many cases where insurance actuaries, not doctors, make the final decision about a patient's medical care. This is wrong, and we must change it.

For years we have tried to help in the health care debate, and we have tried to adjust here or there to try to help people, working families, throughout Maine and America. Constantly the boxes have changed, and as soon as we try to work on something, the managed care companies figure out a way around it.

The best thing that we can do is to give every single American a bill of rights as it pertains to their health care policies, so regardless of whether the company is putting forward a PPO, an HMO, or whatever they wanted to call it, every single American will have a bill of rights as it pertains to their health care, so they will have their rights, regardless of the policies that a company or individual government entities would like to put forward; every American would have these basic rights.

It is a very important issue for all Americans. As they are being denied care in emergency rooms, as they are being denied the proper drug treatment that has been prescribed by a physician, and as they have been having insurance company bureaucrats making medical decisions and determining where and when and what type of health care individuals should receive, then those insurance companies, those insurance company bureaucrats, ought to be held medically liable. If physicians have to get medical malpractice insurance to protect themselves in their duties, and if insurance company executives are going to make those same decisions, they should also be held medically liable for that decision.

In my State, where there are many seniors that require many prescription drugs, between Parkinson's and other types of drugs that must be taken, they are expensive, and physicians are saying that the right treatment, the right mix has to be given. If it is upset or they cannot use the right medications, it is going to upset that person's health care.

In many cases, insurance companies give lists of drugs that can be given, and no other drugs. In order to appeal those decisions, to have the right treatment, we need to make sure that we have an enforcement mechanism, holding people medically responsible if they are not going to give seniors the types of prescription medication they need to have.

As far as information, it is so vitally important that a patient have the information as to their health care, as to their needs, and not to have that information kept from the patient because of the agreements and contracts that have been worked out behind the scenes between insurance companies and between some physicians. We as patients, as health care consumers, need to have that information.

I think this is a very important piece of legislation. I have signed the discharge petition that Members have signed to force this issue, in an unprecedented move to have over 218 Members forcing this issue to be debated before this House this week, because it is the most important issue in America today, to make sure that people have an individual Patient Bill of Rights, regardless of the health care they are being offered.

We must have this. It is a bipartisan effort. It knows no party. It is supported throughout America by Republicans, Democrats, Independents, people of all political stripes. It is something we need to do.

In my own State of Maine, where we have approximately 1.2 million people, over 200,000 are enrolled in HMO plans, and more is yet to come. Medicare is being formed into managed care. Other types of insurance companies and business are grouping together.

It is so important and imperative that we get this passed by this Congress this week. If they are going to make the decisions which harm individuals, then insurance companies are going to have to be held medically responsible and medically liable if they are going to be making these decisions. This will make sure that insurers are accountable for their actions.

As we become increasingly dependent upon computers and computerized records, this legislation makes important steps towards insuring confidentiality of medical records. We cannot allow the misuse of private medical information.

Finally, I am pleased that this bill takes steps to insure that plans which cover the drugs are going to cover all drugs which are medically indicated.

Later this week we are going to have an opportunity to vote on this plan offered by our Republican colleagues. While I am pleased that they have offered a plan, their plan leaves many millions uninsured and uncovered. I believe their plan comes up short because not only does it leave them uncovered, but it also does not have an enforcement mechanism to hold the insurance company and team making the decision to a responsible treatment and liability.

This is a bipartisan, comprehensive bill that will give Americans meaningful rights.

URGING MEMBERS TO STUDY THE ARTICLE "STATESMANSHIP AND ITS BETRAYAL"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Georgia (Mr. BARR) is recognized during morning hour debates for 5 minutes.

Mr. BARR of Georgia. Mr. Speaker, very infrequently I come across an article written by a person that rises so far above and beyond the normal, mundane literature we read daily in newspapers and see and hear visually and verbally on television that it bears special attention.

I rise today to share with my colleagues an article which appeared in the Wall Street Journal on July 2 by Mark Helprin entitled "Statesmanship and Its Betrayal."

Mr. Speaker, I will read just a few eloquent passages of Mr. Helprin's exposition on statesmanship, and then urge all of my colleagues, indeed, all who peruse the CONGRESSIONAL RECORD, to do likewise.

He speaks, in part, as follows:

We had men of integrity and genius: Washington, Hamilton, Franklin, Jefferson, Madison, and Monroe. These were men who were in love with principle as if it were an art, which, in their practice, they made it. They studied empires that had fallen, for the sake of doing what was right in a small country that had barely risen, and were able to see things so clearly that they surpassed in greatness each and every one of the classical models that they had approached in awe.

Now. . . when we desperately need their high qualities of thought, their patience for deliberation, and their unerring sense of balance, we have only what we have.

Which is a political class that in the main has abandoned the essential qualities of statesmanship, with the excuse that these are inappropriate to our age. They are wrong. Not only do they fail to honor the principles of statesmanship, they fail to recognize them, having failed to learn them, having failed to have wanted to learn them.

In the main, they are in it for themselves. This constitutes not merely a failure, but a betrayal, and not only of statesmanship and principle, but of country and kin.

And why is that? It is because things matter. Even though it be played like a game, by men who excel at making it a game, our life in this country, our history in this country, the sacrifices that have been made for this country, the lives that have been given to this country, are not a game. My life is not a game. My children's lives are not a game. My parents' lives were not a game. Your life is not a game.

Yes, it is true, we do have great accumulated stores of power and wealth and decency—against which those who pretend to lead us can draw when as a result of their vanity and ineptitude they waste and expend the gifts of previous generations. The margin of error bequeathed to them allows them to present their failures as successes.

They say, "As we are still standing, and a chicken is in the pot, what does it matter if I break the links between action and consequence, work and reward, crime and punishment, merit and advancement?" I myself cannot imagine a military threat (and never could), so what does it matter if I weld shut the silo hatches on our ballistic missile submarines? What does it matter if I weld shut my eyes to weapons of mass destruction in the hands of lunatics who are building long-range missiles? Our jurisprudence is the envy of the world, so what does it matter if now and then I perjure myself, a little? What is an oath? What is a pledge? What is a sacred trust? Are not these things the province of the kinds of people who were foolish enough to do without all their lives, to wear the ruts into the Oregon Trail, to brave the seas, to die on the beaches of Normandy and Iwo Jima and on the battlefields of Shiloh and Antietam, for me, so that I can draw from America's great accounts, and look good, and be presidential, and have fun, in all kinds of ways?

Mr. Speaker, Mr. Helprin goes on at some length to use words that conjure up, as few in American history, perhaps only most recently President Reagan could, to reach down into the soul of America, to remind us once again, we are and were and should and must be a Nation of principle, personified by statesmen, not crass political leaders looking only for themselves, only for today, and forgetting not only the great history of an America past, but looking forward to a great history of America future.

I commend Mark Helprin's article, which appeared in the Wall Street Journal on July 2 of this year, entitled "Statesmanship and Its Betrayal," to be read and reread by my colleagues and by every American who cares about this great country, its history, and its future.

The article referred to is as follows:

STATESMANSHIP AND ITS BETRAYAL

(By Mark Helprin)

When Marco Polo entered Xanadu, the capital of the Great Khan, he crossed ring after ring of outer city, each more splendid and interesting than the one that had come before. He was used to greatness of scale, having traveled to the limits of the ordered world and then twice as far into the unknown, where no European had ever set foot, over the Hindu Kush and beyond the Pamir, and through the immense empty deserts of Central Asia. And yet after passing through the world's most ethereal regions he was impressed above all by Xanadu, a city of seemingly infinite expanse, the end of which he could not see no matter in which direction he looked.

For almost 1,000 years, this city floated at the peak of Western imagination. Unlike Jerusalem, it had vanished. Unlike Atlantis, someone had actually seen it. Even during the glory of the British Empire, Coleridge held it out for envy. But no more. Now it has been eclipsed, with ease, by this, our country, founded not as a Xanadu but with the greatest humility, and on the scale of yeomen and their small farms, and as the cradle of simple gifts.

This country was not expected to be what it became. It was expected to be infinite—seeming in its rivers, prairies and stars, not in cities with hundreds of millions of rooms, passages, halls, and buildings a quarter-mile high. It was expected to be rich in natural silence and the quality of light rather than in uncountable dollars. It was expected to be a place of unfathomable numbers, but of blades of grass and grains of wheat and the crags of mountains, rather than millions upon millions of motors spinning and humming at any one time, and wheels turning, fires burning, voices talking and lights shining.

But this great inventory of machines, buildings, bridges, vehicles and an incomprehensible number of smaller things, is what we have. A nation founded according to a vision of simplicity has become complex. A nation founded with disdain for power has become the most powerful nation.

THE ESSENTIAL QUALITIES

When letters took a month by sea and the records of the U.S. government could be moved in a single wagon pulled by two horses, we had great statesmanship. We had men of integrity and genius: Washington, Hamilton, Franklin, Jefferson, Adams, Madison and Monroe. These were men who were in love with principle as if it were an art, which, in their practice, they made it. They studied empires that had fallen, for the sake of doing what was right in a small country that had barely risen, and were able to see things so clearly that they surpassed in greatness each and every one of the classical models that they had approached in awe.

Now, lost in the sins and complexity of a Xanadu, when we desperately need their high qualities of thought, their patience for deliberation, and their unerring sense of balance, we have only what we have.

Which is a political class that in the main has abandoned the essential qualities of statesmanship, with the excuse that these are inappropriate to our age. They are wrong. Not only do they fail to honor the principles of statesmanship, they fail to recognize them, having failed to learn them, having failed to have wanted to learn them.

In the main, they are in it for themselves. Were they not, they would have a higher rate of attrition, falling with the colors of what they believe rather than landing always on their feet—adroitly, but in dishonor. In light of their vows and responsibilities, this constitutes not merely a failure but a betrayal, and not only of statesmanship and principle but of country and kin.

And why is that? It is because things matter. Even though it be played like a game, by men who excel at making it a game, our life in this country, our history in this country, the sacrifices that have been made for this country, the lives that have been given to this country, are not a game. My life is not a game. My children's lives are not a game. My parents' lives were not a game. Your life is not a game.

Yes, it is true, we do have great accumulated stores—of power, and wealth, and decency—against which those who pretend to lead us can draw when as a result of their vanity and ineptitude they waste and expend the gifts of previous generations. The margin of error bequeathed to them allows them to present their failures as successes.

They say, "As we are still standing, and a chicken is in the pot, what does it matter if I break the links between action and consequence, work and reward, crime and punishment, merit and advancement? I myself cannot imagine a military threat (and never could), so what does it matter if I weld shut the silo hatches on our ballistic missile submarines? What does it matter if I weld shut my eyes to weapons of mass destruction in the hands of lunatics who are building long-range missiles? Our jurisprudence is the envy of the world, so what does it matter if, now and then, I perjure myself, a little? What is an oath? What is a pledge? What is a sacred trust? Are not these things the province of the kinds of people who were foolish enough to do without all their lives, to wear the ruts into the Oregon Trail, to brave the seas, to die on the beaches of Normandy and Iwo Jima and on the battlefields of Shiloh and Antietam, for me, so that I can draw from America's great accounts, and look good, and be presidential, and have fun, in all kinds of ways?

BLOOD ONTO SAND

That is what they say, if not in words then, indelibly, in actions. They who, in robbing Peter to pay Paul, present themselves as payers and forget that they are also robbers. They who, with studied compassion, minister to some of us at the expense of others. They who make goodness and charity a public profession, depending for their election upon a well-mannered embrace of these things and the power to move them not from within themselves or by their own sacrifices but, by

compulsion, from others. They who, knowing very little or next to nothing, take pride in eagerly telling everyone else what to do. They who believe absolutely in their recitation of pieties not because they believe in the pieties but because they believe in themselves.

Nearly 400 years of America's hard-earned accounts—the principles we established, the battles we fought, the morals we upheld for century after century, our very humility before God—now flow promiscuously through our hands, like blood onto sand, squandered and laid waste by a generation that imagines history to have been but a prelude for what it itself will accomplish. More than a pity, more than a shame, such a thing is despicable. And yet, this parlous condition, this agony of weak men, this betrayal and this disgusting show, are not the end of things.

Principles are eternal. They stem not from our resolution or lack of it but from elsewhere, where in patient and infinite ranks they simply wait to be called. They can be read in history. They arise as if of their own accord when in the face of danger natural courage comes into play and honor and defiance are born. Things such as courage and honor are the mortal equivalent of certain laws written throughout the universe. The rules of symmetry and proportion, the laws of physics, the perfection of mathematics, even the principle of uncertainty, are encouragement, entirely independent of the vagaries of human will, that not only natural law but our own best aspirations have a life of their own. They have lasted through far greater abuse than abuses them now. They can be neglected, but they cannot be lost. They can be thrown down, but they cannot be broken.

Each of them is a different expression of a single quality, from which each arises in its hour of need. Some come to the fore as others stay back, and then, with changing circumstance, those that have gone unnoticed rise to the occasion. Rise to the occasion. The principle suggests itself from a phrase, and such principles suggest easily and flow generously. You can grab them out of the air, from phrases, from memories, from images.

A statesman must rise to the occasion. Even Democrats can do this. Harry Truman had the discipline of plowing a straight row 10, 12 and 14 hours a day, of rising and retiring with the sun, of struggling with temperamental machinery, of suffering heat and cold and one injury after another. After a short time on a farm, presumptions about ruling others tend to vanish. It is as if you are pulled to earth and held there.

The man who works the land is hard put to think that he would direct armies and nations. Truman understood the grave responsibility of being the president of the United States, and that it was a task too great for him or for anyone else to accomplish without doing a great deal of injury—if not to some, then to others. He understood that, therefore, he had to transcend himself. There would be little enjoyment of the job, because he had to be always aware of the enormous consequences of everything he did. Contrast this with the unspeakably vulgar pleasure in office of President Clinton.

Truman, absolutely certain that the mantle he assumed was far greater than he could ever be, was continually and deliberately aware of the weight of history, the accomplishments of his predecessors, and, by humble and imaginative projection, his own inadequacy. The sobriety and care that derived from this allowed him a rare privilege for modern presidents, to give to the presidency more than he took from it. It is not possible to occupy the Oval Office without arrogantly looting its assets or nobly adding to them. May God bless the president who adds to them, and may God damn the president who loots them.

America would not have come out of the Civil War as it did had it not been led by men like Lincoln and Lee. The battles raged for five years, but for 100 years the country, both North and South, modeled itself on their characters. They exemplified almost perfectly Churchill's statement that "public men charged with the conduct of the war should live in a continual stress of soul."

This continual stress of soul is necessary as well in peacetime, because for every good deed in public life there is a counterbalance. Benefits are given only after taxes are taken. That is part of governance. The statesman, who represents the whole nation, sees in the equilibrium for which he strives a continual tension between victory and defeat. If he did not understand this, he would have no stress of soul, he would be merely happy—about money showered upon the orphan, taken from the widow. About children sent to day care, so that they may be long absent from their parents. About merciful parole, of criminals who kill again. Whereas a statesman knows continual stress of soul, a politician is happy, for he knows not what he does.

It is difficult for individuals or nations to recognize that war and peace alternate. But they do. No matter how long peace may last, it will end in war. Though most people cannot believe at this moment that the United States of America will ever again fight for its survival, history guarantees that it will. And, when it does, most people will not know what to do. They will believe of war, as they did of peace, that it is everlasting. The statesman, who is different from everyone else, will, in the midst of common despair, see the end of war, just as during the peace he was alive to the inevitability of war, and saw it coming in the far distance, as if it were a gray wave moving quietly across a dark sea.

The politician will revel with his people and enjoy their enjoyments. The statesman, in continual stress of soul, will think of destruction. As others move in the light, he will move in darkness, so that as others move in darkness, he may move in the light. This tenacity, that is given to those of long and insistent vision, is what saves nations.

A statesman must have a temperament that is suited for the Medal of Honor, in a soul that is unafraid to die. Electorates rightly favor those who have endured combat, not as a matter of reward for service, as is commonly believed, but because the willingness of a soldier to give his life is a strong sign of his correct priorities, and that in the future he will truly understand that statesmen are not rulers but servants. It seems clear even in these years of squalid degradation that having risked death for the sake of honor is better than having risked dishonor for the sake of life.

HUNGER FOR A STATESMAN

No matter what you are told by the sophisticated classes that see virtue in every form of corruption and corruption in every form of virtue, I think you know, as I do, that the American people hunger for acts of integrity and courage. The American people hunger for a statesman magnetized by the truth, unwilling to give up his good name, uninterested in calculation only for the sake of victory, unable to put his interests before those of the nation. What this means in practical terms is no focus groups, no polls, no triangulation, no evasion, no broken promises and no lies. These are the tools of the chameleon. They are employed to cheat the American people of honest answers to direct questions. If the average politician, for fear that he may lose something, is incapable of even a genuine yes or no, how is he supposed to rise to the great occasions of state? How is he supposed to face a destructive and implacable enemy? How is he supposed to understand the rightful destiny of his country, and lead it there?

At the coronation of an English monarch, he is given a sword. Elizabeth II took it last, and as she held it before the altar, she heard these words: "Receive this kingly Sword, brought now from the altar of God and delivered to you by us, the Bishops and servants of God, though unworthy. With this Sword do justice, stop the growth of iniquity, protect the holy Church of God, help and defend widows and orphans, restore the things that are gone to decay, maintain the things that are restored, punish and reform what is amiss, and confirm what is in good order; that doing these things you may be glorious in all virtue; and so faithfully serve our Lord."

Would that we in America come once again to understand that statesmanship is not the appetite for power but—because things matter—a holy calling of self-abnegation and self-sacrifice. We have made it something else. Nonetheless, after and despite its betrayal, statesmanship remains the manifestation, in political terms, of beauty, and balance, and truth. It is the courage to tell the truth, and thus discern what is ahead. It is a mastery of the symmetry of forces, illuminated by the genius of speaking to the heart of things.

Statesmanship is a quality that, though it may be betrayed, is always ready to be taken up again merely by honest subscription to its great themes. Have confidence that even in idleness its strengths are growing, for it is a providential gift given to us in times of need. Evidently we do not need it now, but as the world is forever interesting the time will surely come when we do. And then, so help me God, I believe that, solely by the grace of God, the corrupt will be thrown down and the virtuous will rise up.

THE IMPORTANT DIFFERENCES BETWEEN THE DEMOCRATIC AND REPUBLICAN HEALTH CARE REFORM BILLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, for months now the movie "As Good as It Gets" has become symbolic here in Washington with the debate over managed care reform.

Everyone knows by now that in the movie, actress Helen Hunt unleashes an epithet-laden attack on her HMO after her HMO gives her trouble when she is trying to get treatment for her asthmatic son.

In an effort to stop getting beat over the head with this example and what it symbolizes, last Friday the Republican leadership unveiled the language of its

long-awaited managed care reform bill. To state it simply, Mr. Speaker, this Republican bill is as bad as it gets.

The Republican leadership has really outdone itself with this bill. It is easily one of the worst speaks pieces of legislation they have put forward since they took control of the House in 1994. It is an unabashed sell-out to the insurance industry. In fact, it looks as if it were written by the insurance industry itself.

Although it is called the Patient Protection Act, in an attempt to confuse it with the Democrats' Patients' Bill of Rights, a more appropriate title for the Republican bill would be the Profit Protection Act.

The worst aspect of this bill is that it allows the insurance companies, and not doctors and patients, to make medical choices. Remarkably, the Republican bill actually reaffirms the status quo and allows insurance company bureaucrats to decide what is medically necessary, so under the Republican plan, HMOs can define "medically necessary" any way they wanted. If you get sick and your insurance company decides the treatment you need is not medically necessary, you are simply out of luck.

This is, in my opinion, truly a sell-out of the highest proportions. It ignores the central catalyst of the whole managed care debate, the strongly held belief among Americans that medical decisions should be made by doctors and their patients.

The Democrats' Patient Bill of Rights, by contrast, insures that medical decisions would be made by doctors and patients. The Democratic bill defines "medically necessary care" based on the generally accepted principles of professional medical practice. What that means is that under the Democratic plan, patients and doctors determine what is the best course of treatment, not HMOs and insurance company bureaucrats.

The Republican bill also fails to ensure access to specialists. If your child gets an illness and you want to bring your son or child to a specialist, you cannot, under the Republican bill. You may not be able to go to that specialist, depending on what the insurance company decides. But the Patient Bill of Rights, the Democratic bill, guarantees patients access to specialists when such access is needed.

Another thing, the Republican plan does not even guarantee you full access to the nearest emergency room if you need emergency care, which has been a big issue during the course of this debate. The Republican bill includes a reasonable person's standard for access to emergency care, but it does not list severe pain as a reason why a person might determine that he or she needs to go to the emergency room.

I want to repeat that, because it is really kind of mind-boggling. Under the Republican plan, severe pain is not considered a symptom of a possible emergency. So that means if you are suffering from severe pain and you rush to the emergency room to receive treatment for a legitimate problem, your HMO can still refuse to pay for it.

The Democrats' Patient Bill of Rights also guarantees patients coverage if they go to an emergency room because they are suffering from severe pain. So regardless of the reason you go to the emergency room that is closest, if you get the emergency room care, the HMO has to pay for it.

The Republican bill is also a failure when it comes to gag clauses. This is particularly interesting, because we passed prohibitions on gag rules here in the House of Representatives. But under the Republican bill, it would still allow a health plan to restrict communications between doctors and patients.

The Democrats, on the other hand, prohibit plans from gagging doctors to inform patients about treatment options that are not covered by their health plan, and protects providers from retribution by the HMO for telling their patients the truth.

When it comes to accountability, the GOP plan also is riddled with loopholes and omissions. The bill includes an external appeals process, but limits access to that process to individuals in plans under ERISA; in other words, only if your employer is self-insured. If you are covered by ERISA, you get the external review. Otherwise, you are out of luck.

Then finally, and I want to stress this, the GOP plan also denies patients the right to sue their HMOs if they are denied needed care. Again, the right to sue is an enforcement mechanism that is necessary if these patient protections really are going to be enforced.

The Democratic bill enforces all of the patient protections it provides by giving the patients the right to sue their HMO, and holding the HMOs accountable for the decisions they make. Again, this is an extremely important difference between the Democratic and the Republican plans.

CALLING FOR BIPARTISAN HEALTH CARE LEGISLATION, AND FOR SUPPORT OF THE MEEHAN-SHAYS CAMPAIGN FINANCE REFORM MEASURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Connecticut (Mr. SHAYS) is recognized during morning hour debates for 5 minutes.

Mr. SHAYS. Mr. Speaker, there is a Democrat health care bill and there is a Republican health care bill, but ultimately, if we are to have a bill, there will have to be a Republican and Democrat bill. I urge both sides on this issue, once the posturing of our various positions is known, to work in a bipartisan agreement to pass meaningful health care reform.

Mr. Speaker, I stand before the Members to thank this Chamber for its support for campaign finance reform legislation that is moving before the House; the Meehan-Shays bill as it is sometimes referred to, or McCain-Feingold.

We have had an extraordinary process that has allowed Members to debate this issue fairly extensively, and before last night we had 55 amendments. We have dealt with 20 of them. We dealt with the one that would have been a killer amendment, and I appreciate the House defeating it.

The bottom line to campaign finance reform is that we need to ban soft money, not just on the Federal level but on the State level, for Federal elections. Soft money are the unlimited sums that individuals, corporations, labor unions, and other interest groups give to the political parties, unlimited sums. They ultimately get rerouted right back to the candidates to help them in their election, making a mockery of our campaign finance laws.

The second major element, and the Meehan-Shays bill deals with soft money both on the Federal and State level, for Federal elections, it also deals with the sham issue ads and calls them what they are, campaign ads.

It does not mean that if it is a campaign ad, people do not have their voice. They just come under the campaign law. They have to disclose contributions. Contributions are limited but expenditures are not, because the Supreme Court has found that you cannot limit expenditures.

What we do is recognize that a sham issue ad that clearly is a campaign ad, 60 days prior to an election is a campaign ad if it mentions the name of the person or shows a picture or the name of the individual, and is intended to affect the election.

We also codify the court decision on Beck. That was the decision where an individual who was not a member of a union argued that he should not have to make political contributions in his agency fee to the union to be used for candidates that a person opposed. The court heard this case and determined that if you are not a member of a union, your money does not have to go for political purposes, and therefore, your agency fee is less than what the union fee would be.

We also significantly improve FEC disclosure and enforcement, particularly as it relates to disclosure. Any expenditure over $1,000, 20 days to an election, has to be noted within 24 hours, and then is put on the Internet.

We require, and in terms of enforcement, we give the FEC the ability to dismiss cases that do not have any merit, and to take up cases more quickly that do, before an election, and

we also provide for audits of campaign expenditures.

In addition, we make sure it is clear in the law that foreign money cannot be raised, and that we cannot raise money on government property. Members may think that is the law today, but soft money is not deemed campaign money, and therefore, does not come under the Pendleton Act.

So many have argued that they can accept soft money from foreigners, and on government property they can raise money. They do not want people to know they are doing this, because they know morally it is wrong, but legally and technically it is not. That is why we need to amend the law.

Mr. Speaker, we have, as I said earlier, 55 bills or amendments coming before this Chamber. We dealt with 20 last night. I would like to say that we have dealt with a few before. One of the things we are trying hard to do is, as both Republicans and Democrats, to find where we have common ground.

We found common ground with those who supported the commission bill, and urged them to vote against their own substitute commission bill, but then support the commission bill, attach it to our bill. Also the gentlewoman from Washington (Mrs. LINDA SMITH) took her 6 amendments last night and put them into one, and helped us write a better bill to guarantee, without question, and to satisfy those groups that are concerned, that voter guides are in fact legal and do not come under the campaign law.

There is no ambiguity on this issue. She wrote the law in a tough way. We accepted her six amendments into one, and thank her for her work in this area. She really has been a leader on campaign finance reform, and has played a tremendous role in helping us move this bill forward.

CALLING UPON HOUSE LEADERSHIP TO BRING FORWARD FOR DEBATE THE PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Michigan (Ms. STABENOW) is recognized during morning hour debates for until 9:50 a.m.

Ms. STABENOW. Mr. Speaker, this morning a hearing is being held by the Democratic Health Care Task Force on the critical issue of managed health care. We are going to hear this morning from families across the country who have been denied care, who have had very difficult situations occur because they have not had the opportunity to receive the care their doctor recommended because they are in a managed care system. We are going to hear from small businesspeople. We are going to hear from other Americans speaking out.

I only wish that we were doing this within the regular committee structure. I would call upon the House leadership this morning to bring forward the Patients' Bill of Rights, the comprehensive bill to protect American families, to bring it to a full hearing, to bring it to this House for a vote, because it is absolutely critical that in this day and age, when we have the best health care in the world, that we make sure our families can truly receive that care when in fact it is recommended by their physician or other health care provider.

What we are talking about today is a basic set of principles that will allow us as Americans to be sure that the quality of care that is available in this country is truly available to each of us. I would urge strongly that the leadership take this bill up immediately.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

The Reverend Dr. Kevin Shrum, Pastor, Inglewood Baptist Church, Nashville, Tennessee, offered the following prayer:

Gracious Father, I humbly approach You today in the name of the one and only true God, our Lord and Saviour, Jesus Christ. In His name and with the aid of the Holy Spirit, I ask for Your bountiful blessings and godly wisdom to anoint this law-making body in their daily tasks. For, Lord, great is their task in leading this Nation to honor its noble heritage and secure the possibilities of a future as one Nation under God. May we understand, as did President George Washington, that of all dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.

Assist this esteemed assembly and our beloved Nation as a whole to honor Your justice, mercy and righteousness in all that we say and do. If godly righteousness exalts a Nation, then let us be that Nation that leads the nations in seeking Your righteous standards.

When we err, forgive us. If we succeed, let our successes honor You and humbly lead us to further successes. And may every action of this law-making body reflect the absolute character and gracious benevolence of Your biblical law and love. Ultimately may all that we do and say as a unified people bring glory and honor to You who is able to keep us from falling and not failing and to present us before His glorious presence without fault and great joy, to the only God our Saviour be glory, majesty, power and authority, through Jesus Christ our Lord, I pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PAPPAS) come forward and lead the House in the Pledge of Allegiance.

Mr. PAPPAS led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 15 one-minutes on each side.

WELCOME TO THE REVEREND DR. KEVIN SHRUM

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

Mr. CLEMENT. Mr. Speaker, I stand to welcome Dr. Kevin Shrum to the Chamber of the U.S. House of Representatives and to thank him for opening our session today with a heartfelt prayer.

Dr. Shrum is a devout Christian and an inspiring pastor. His church is in Nashville, Tennessee. Inglewood Baptist Church is one of the fastest growing Southern Baptist churches in the Fifth Congressional District.

Dr. Shrum graduated with a bachelor of arts from Missouri Baptist College in 1984, received his master's of divinity in 1987 and earned his doctor of ministry in 1991 from the Southern Baptist Theological Seminary.

Dr. Shrum comes from a rich heritage of spiritual leaders. My administrative assistant Dottie Moore has been an active member of his church for many years. It is a great honor to have him with us today. God bless you.

TWINKLE, TWINKLE KENNETH STARR

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

Mr. PAPPAS. Mr. Speaker,

Twinkle, twinkle Kenneth Starr,
Now we see how brave you are.
Up above the Pentagon sting,
Like a fair judge in the ring.
Twinkle, twinkle Kenneth Starr,
Now we see how brave you are.
When subpoenas and lies are gone,
When obstruction shines upon,
Then you throw your trump cards down,
Twinkle, twinkle all brought down.
Twinkle, twinkle Kenneth Starr,
Now we see how brave you are.
Then the Congress in the dark
Thanks you for your courage and spark;
We could not see which way to go,
If you did not lead us so.
Twinkle, twinkle Kenneth Starr,
Now we see how brave you are.

DEMOCRATIC PATIENTS' BILL OF RIGHTS

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

Mr. ALLEN. Mr. Speaker, in view of those last comments, I would point out that although we have investigations in this House galore, we have not had one hearing on the subject of managed care reform.

Health care financing is in transition and the shift to managed care has raised concerns about implications for health care quality. Managed care must be more than managed cost. Every American deserves quality health care. Managed care reforms are necessary at the Federal level to ensure that managed care is quality care. Even in my home State of Maine where strong patient protections have been enacted at the State level, my constituents know that we need a national solution to a national problem.

The Republican legislation only applies to Americans in self-insured plans. They ignore two-thirds of Americans with private health insurance. One hundred thirteen million Americans are left out in the cold by the Republican bill.

The Republicans have a patchwork approach to dealing with the real problems such as access to specialty care and the choice of physicians. Furthermore, the Republican bill is laced with poison pills such as health marts and malpractice limits.

My constituents want real protections. They do not want a watered down bill. They want the Democratic Patients' Bill of Rights Act.

WITHER THE BUDGET SURPLUS

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

Mr. BALLENGER. Mr. Speaker, the Congressional Budget Office estimates that the Federal budget will be in surplus for the foreseeable future. Leaving aside the fact that this is not entirely accurate given that the Social Security surplus is masking the true size of the budget deficit, the question before us is what to do with the surplus.

The Democrats, naturally, want to spend it. The Republicans, not surprisingly, want to see it used to begin paying down the national debt or they want to use it for a tax cut. I will leave it to the other side to explain to the American people why they want to spend more money on failed, wasteful social programs and I will only consider the real choice for Congress, paying down the debt or tax relief.

My instinct is to go 50–50, half towards tax cuts and half towards a down payment on our $5.4 trillion national debt. But then I think about the likelihood that liberal spending politicians in Washington will keep their hands off the budget surplus and I start to lean more strongly towards tax relief.

The bottom line is this: Do not spend the surplus.

PASS THE DEMOCRATIC PATIENTS' BILL OF RIGHTS

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

Mr. STUPAK. Mr. Speaker, Democrats want to make sure that good health care is the right of every American. You pay for it. You deserve it. And you should have the right to demand the medical treatment you need.

The Republican leadership and insurance companies believe that they and not you will determine your medical coverage. So the insurance companies and the Republican leadership continue to allow gag orders on doctors and nurses in managed care plans. HMOs tell doctors and nurses and you what medical treatment you will receive, not what medical treatment you need. They gag your doctor.

Democrats believe you and your doctor should decide what medical treatment you need. No more gag orders. The Republican leadership continue to place a gag order on the American people and refuse to hold hearings on the Patients' Bill of Rights. So Democrats want to lift the GOP gag order. We are holding hearings on the Patients' Bill of Rights in Room 2237 of the Rayburn Building.

Democrats want to make sure that health care is the right of every American. You pay for it, you deserve it. You have the right to demand the medical treatment you need. Lift the gag order, Mr. Speaker. Pass the Democratic Patients' Bill of Rights.

SCHOOL CHOICE

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

Mr. ROGAN. Mr. Speaker, we Republicans find ourselves in a strange position. On the one hand, we benefit politically when the defenders of the status quo oppose choice in public schools. We benefit politically because school choice is something their own constituents favor. But on the other hand we Republicans despair at finding leftist opposition to school choice because many kids are denied the opportunity of attending a good school and thereby are forced into failing schools. And so we have this bizarre situation where left-wing opposition to school choice means that Republicans win politically but we win at a terrible social cost.

□ 1015

The remarkable thing about this bizarre situation is that the defenders of the bureaucracy accept this national disgrace, because it benefits their union monopolies. No wonder so many Americans are fed up with many posturing politicians and the special interests they protect. We need to give parents control over their kid's education, and that will only come from school choice. That is what we Republicans are fighting for.

E-RATE WEEK

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

Mr. REYES. Mr. Speaker, I rise to announce E-Rate week. Today I join many Members of Congress in kicking off a week of discussion, information, and emphasis about the importance of the E-Rate program to our schools, our children, and our country. The E-Rate is designed to bring discounted Internet services to children in schools and libraries across America.

In the world of tomorrow, technology and the Internet will be the tools essential to our Nation's workforce. Technical literacy will determine whether a person has a high-paying job or whether that person is frozen into a low-wage, low-opportunity profession.

Currently, only a few wealthy school districts can afford this technology. The E-Rate ensures that needy schools receive discounted services so that every American child has an equal chance to succeed.

Those who attack the E-Rate undercut the future of our children and of our country. Americans want to provide their children the skills and tools of the 21st Century. Through the E-Rate, this is one way we can accomplish this goal.

JUDGE STARR ONCE PRAISED BY DEMOCRATS

(Mr. GUTKNECHT asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, let us listen to what some people have said about Judge Ken Starr's character and integrity. I quote, "Starr has the confidence of most of those of us who know him and, I suspect, the confidence of most of us in the Senate." A Republican? No. That was Senator JAMES EXON, Democrat of Nebraska.

Here is another, and I quote, "Judge Starr is certainly a neutral party. No one, I think, has accused him of being on a fishing expedition." A Republican? No. That was Senator JOHN KERRY, Democrat of Massachusetts.

Mr. Speaker, these two comments represent many, many comments made by Democrats about Judge Ken Starr's character back in 1993 when Judge Starr was asked to investigate sexual misconduct charges against former Senator Bob Packwood on behalf of the Ethics Committee.

Democrats once praised Judge Starr, but now they either criticize him or stand silent in the face of White House attacks on his character. What has changed? Well, it could be that Democrats praised Judge Starr because he was investigating a Republican. We can only wonder.

SCHOOL VIOLENCE

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

Mr. GIBBONS. Mr. Speaker, today I rise to address the very important issue of school violence. I was recently pleased to learn that this administration will finally hold a national conference on school safety sometime in October of this year.

Because no community in America is immune to the plague of school violence, and because we, as a Nation can no longer sit idly by while violence in our schools continue to rise, I sent a letter to the President on June 24th encouraging him to listen to the solutions of the American people from coast to coast and border to border.

For America to achieve success in combating school violence in our local communities, we must first address three important issues. First, the Federal Government must redirect its resources to States to focus on this problem at the local level. Secondly, our communities must continue to improve cooperative relations among local agencies whose job it is to address this problem associated with school violence.

Finally, it is important that any conference bring together, in a round table discussion, several representatives from local and Federal law enforcement agencies, courts, city councils, and school boards to develop local solutions to a national problem. Mr. Speaker, our children deserve no less.

AGRICULTURE EXPORT ENHANCEMENT ACT OF 1998

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

Mr. EWING. Mr. Speaker, with 40 percent of American agricultural commodities and products being exported, the American farmer is more reliant on international markets than any other sector of the U.S. economy. That is why it is so important that the U.S. lay out specific agricultural trade negotiation objectives.

Today, I am pleased to introduce the Agricultural Export Enhancement Act of 1998. Until recently, farm exports had soared over the past several years. However, too many trade barriers prevent billions of people from buying our products. Our trade negotiators need to focus their attention on eliminating tariffs, subsidies, and other foreign regulations that limit what we sell overseas.

This legislation would establish those negotiating objectives. I would suggest that it is a good bill for many Members of this House to support.

MANAGED CARE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, the way that Americans choose and obtain and pay their physician has changed drastically over the last 10 years.

Ten years ago, less than 30 percent of the people with health care insurance coverage were in managed care programs. Today, approximately 75 percent of insured employees are covered by managed care plans. A large amount of that 75 percent is questioning whether they are served well by that system.

The result is a health care system which is dominated by economic tools, limited budgets, limited hospital budgets, waiting hospital lines, waiting lines also with the managed care program. Many managed care constraints now limit what we can do.

Our goal must be to provide health care with increased health care coverage for this country. This is a national challenge. In Congress, we need to meet that challenge.

Supporting H.R. 3605, the Patients' Bill of Rights Act, is a first step in achieving health care reform. This bill will allow patients and doctors, not the insurance company, to control the length of stay, the quality of care. Mr. Speaker, I encourage you and my colleagues to join me in supporting of this bill.

FALSELY ACCUSED BEHAVIOR VERSUS GUILTY BEHAVIOR

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

Mr. HEFLEY. Mr. Speaker, imagine you are falsely accused of crimes. You know that you are innocent, but the people who know the truth simply are not talking. People who could prove you are innocent, it turns out, are the Secret Service personnel who are constantly by your side and that could testify that all of the scurrilous accusations are, in fact, untrue. So your task is to convince everyone you know to come forward, to prove your innocence, and to clear your name.

Let us think about this for a minute. If a person is falsely accused of wrongdoing, clearly what must be done is to demand the people who know the truth to come forward and tell the whole world what they know. On the other hand, someone who is guilty of wrongdoing acts in a strikingly different manner. In such a case, all manner of excuse is given to prevent people from coming forward to tell what they know.

You do not have to be a Perry Mason fan to know the difference between a behavior of a falsely accused person and one that is guilty.

PROTECT MEDICAL PRIVACY: REJECT BIG BROTHER

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

Mr. CHABOT. Mr. Speaker, Big Brother is back, this time in the form of a previously unpublicized provision in the law that would require every single American to have a special identification number. That number would allow every notation in his or her medical record to be tracked. Tracked by who knows who.

We have seen it before. We have seen it in the 1-800-Big Brother scheme that would require the Federal Government to sign off on each and every job hiring in this Nation. We have seen it in proposals for some sort of national ID card. Now we are witnessing an unprecedented attempt to invade the privacy of one's medical records.

When most of us voted for legislation that would allow individuals to take their health care insurance with them when they changed jobs, we were not voting for a hidden provision to allow medical ID numbers.

Let us face it, medical records are extremely sensitive. This Member is going to work vigorously to protect the medical privacy of every American. Let us reject this latest example of Big Brother.

PATIENTS' BILL OF RIGHTS

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

Mr. HINCHEY. Mr. Speaker, all across New York and across America,

many people are being denied access to the health care that they need. They are also being denied access to the doctor of their choice and the health care professional that they would like to consult and be advised by in order to get the health care they need.

Access to prescription drugs also is being denied to Americans. These drugs are needed to alleviate the health care conditions that they have. The problem is that our health care delivery system is out of control because it is increasingly controlled by bureaucrats and insurance companies.

We need a Patients' Bill of Rights which will allow Americans to get the health care they need, access to health care professionals and the professional medical advice they need, not from insurance company bureaucrats, but from health care professionals, the doctors that they want to consult.

That is why the Democratic proposal for a Patients' Bill of Rights is so important. The hearing is going on now. We need to get that bill to the floor and get it passed.

BABY PHOENIX

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

Mr. PITTS. Mr. Speaker, I rise today to share the story of Baby Phoenix, first known survivor of a partial-birth abortion. Last week, in the A-Z Women's Center in Phoenix, Arizona, a 17-year-old was scheduled to abort her baby.

The abortionist began a partial-birth abortion on what he thought was a 23-week-old baby. However, as he continued the procedure, he realized that he was actually committing a partial-birth abortion on a 6-pound, 2-ounce baby girl.

Instead of continuing this procedure in which the doctor would stick scissors into the back of the girl's head and then vacuum her brains out, the abortionist decided to stop the abortion and deliver the 6-pound, 2-ounce little girl.

What if this abortionist had continued the partial-birth abortion? Would he have been convicted of killing Baby Phoenix? Absolutely not. Under our Nation's abortion law, the doctor could have continued the partial-birth abortion and delivered Baby Phoenix dead.

Our Nation's law protects this infanticide, the right of the doctor to kill a baby just because she is not fully outside her mother's body. Like Baby Phoenix, my son Dan was only 6 pounds when he was born. I remember cradling him in my hands. He was so tiny, but so perfect.

Those that oppose the Partial-Birth Abortion Ban Act support the right to kill babies like these. We should vote to override the President's veto of the Partial-Birth Abortion Ban Act and pass it into law this year.

IRS REFORM BILL

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

Mr. JONES. Mr. Speaker, my constituents in the third district of North Carolina have expressed their appreciation for this Congress for passing the Internal Revenue Service Restructuring and Reform bill, which awaits the President's signature.

This is an opportunity for President Clinton to sign into law legislation that protects American taxpayers from IRS abuse and prove to the American people that he is willing to work with this Congress to provide substantial tax reform for all Americans.

The IRS Reform bill is long overdue legislation that would shift the burden of proof from the hard-working American taxpayer back to the IRS where it belongs. In addition, taxpayers will receive 74 new rights and protections that will help reduce the power of the Internal Revenue Service and bring fairness to a corrupt system.

I urge the President to sign the IRS Reform bill and to work with the 105th Congress to continue providing hard-working Americans with a tax relief they need and rightly deserve.

PROVIDING FOR CONSIDERATION OF H.R. 4193, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 504 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 504

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. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 or 401 the Congressional Budget Act of 1974 are waived. 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 88, line 10, through page 89, line 6. If an unprotected provision is stricken on a point of order, the Committee of the Whole shall immediately consider the amendment printed in part 2 of the report of the Committee on Rules if offered by Representative Johnson of Connecticut or her designee. That amendment shall be considered as read, be debatable for 30 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The amendment printed in part 3 of the report of the Committee on Rules may be offered only by Representative Young of Alaska or his designee, may be offered only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such amendments as may have been adopted. 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.

□ 1030

The SPEAKER pro tempore (Mr. NEY). The gentleman from Washington (Mr. HASTINGS) is recognized for one hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, H. Res. 504 is an open rule which waives all points of order against consideration of the bill for failure to comply with section 306 or section 401 of the Budget Act of 1974. The rule provides one hour of general debate, equally divided between the

chairman and ranking minority member of the Committee on Appropriations. The rule further provides that the amendments printed in the Committee on Rules report accompanying the resolution shall be considered as adopted.

The rule also waives clause 2, prohibiting unauthorized appropriations and legislative provisions, and clause 6, prohibiting reappropriations in an appropriations bill, of rule XXI against the bill, except as follows: Page 88, line 10, through page 89, line 6.

The rule makes in order those amendments printed in the Committee on Rules report, which shall be considered as read, shall be debatable for the time specified in the report, equally divided between a proponent and an opponent, and shall not be subject to amendment. The rule also waives all points of order against amendments printed in the Committee on Rules report.

Mr. Speaker, the rule permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. It allows the Chair to postpone recorded votes and reduce to five minutes the minimum time for electronic voting on any postponed votes, provided that voting on the first of any series of questions shall be not less than 15 minutes.

The rule waives points of order against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting non-emergency amendments to be offered to a bill containing an emergency designation under the Budget Act.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 4193, the Department of the Interior and Related Agencies Appropriations Bill for fiscal year 1999 was reported by the Committee on Appropriations by voice vote. The bill appropriates a total of $13.4 billion for fiscal year 1999, which is roughly $800 million less than the President's request and roughly $700 million less than what was appropriated last year.

The bill's spending level is equal to the subcommittee's 302(b) allocation for discretionary budget authority. Approximately one-half of the bill's funding finances Interior Department programs to manage and study the Nation's animal, plant and mineral resources. The balance of the measure's funds support other non-interior agencies that perform related functions. These include the Forest Service, conservation and fossil energy programs run by the Department of Energy, and the Indian Health Services, as well as the Smithsonian and other cultural organizations.

Mr. Speaker, I commend the chairman of the Committee on Appropriations, the gentleman from Louisiana (Mr. LIVINGSTON), for requesting an open rule on this important legislation. Recognizing that certain members have particular concerns about the bill, the Committee on Rules has reported a rule which permits those wishing to offer amendments to do so.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation, H.R. 4193.

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

POINT OF ORDER

Mr. YATES. Mr. Speaker, I make a point of order that a quorum is not present and move a call of the House.

The SPEAKER pro tempore. Under clause 6, rule XV of the House, the Chair cannot entertain a point of no quorum at this stage.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YATES. Mr. Speaker, at what stage then can the point of no quorum be made?

The SPEAKER pro tempore. At such time as the Chair is putting the question to a vote.

Mr. YATES. Mr. Speaker, we have a very important debate coming up on the rule itself, and I would think that this is the proper time for the Chair to consider that Members of the House ought to hear the debate. I respectfully ask the Chair to have that in mind when it makes the ruling.

The SPEAKER pro tempore. Clause 6 of rule XV restrains the Chair from entertaining the point of order at this point in time.

The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 30 minutes.

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

Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary half hour.

Mr. Speaker, this rule has many good features. It is an open rule that will allow Members to work their will. It self-executes important amendments that deal with vital issues, such as the wildland fire suppression, forest health and Indian health care. In fact, I would have been pleased to vigorously support this rule if it had protected all portions of the committee-reported bill from points of order and if it had allowed the precedents of the House to determine the order in which Members would be recognized to offer amendments.

However, the rule reported by the Committee on Rules leaves unprotected a single provision of the bill, allowing that provision of the bill to be struck, but then the rule allows a specified majority member to offer an amendment to put the same provision back in the bill.

Now, why do we go through this charade? Because apparently they wanted to mollify a segment of the conference while simultaneously allowing a majority Member, who is not a member of the Committee on Appropriations or the authorizing committee, to appear to take a leadership role on the arts.

As the Chair of the Congressional Member Organization for the Arts, I encourage all Members to support the arts and welcome their active participation and leadership in the ongoing efforts to fund the National Endowment for the Arts at a reasonable level.

However, this year in particular, the decision to award this important amendment to a majority Member is extremely unfortunate. This is the last year in which debate on Federal support of the arts will be led by the distinguished ranking member of the Subcommittee on Interior of the Committee on Appropriations, the gentleman from Illinois (Mr. YATES). Known as the champion of the National Endowment for the Arts and credited for keeping it alive by the shear force of his will, the gentleman from Illinois (Mr. YATES) is retiring at the end of the year. Under the normal procedures of the House, the gentleman would have had the honor of offering amendments to strengthen the arts, but this rule deliberately snatches that honor from him, for purely partisan reasons.

Of course, this disappointment can never obscure the debt that artists, arts, educators and arts institutions across the Nation owe to their long time champion.

Mr. YATES. Mr. Speaker, will the gentlewoman yield?

Mrs. SLAUGHTER. I yield to the gentleman from Illinois.

MOTION TO ADJOURN

Mr. YATES. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. Does the gentlewoman from New York (Ms. SLAUGHTER) yield for that purpose?

Ms. SLAUGHTER. Mr. Speaker, I yield.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. YATES of Illinois moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. YATES. 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 7, nays 382, not voting 45, as follows:

[Roll No. 309]

YEAS—7

Conyers
DeFazio
Filner
Gephardt
McDermott
Miller (CA)
Nadler

NAYS—382

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Everett
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—45

Armey
Baker
Bilirakis
Burton
Cardin
Crapo
Danner
DeLay
Dixon
Doolittle
Dunn
Engel
Evans
Ewing
Ford
Gonzalez
Harman
Hefner
Hill
John
Kaptur
Kennelly
Markey
McCrery
McDade
McHale
McNulty
Northup
Norwood
Ortiz
Owens
Pelosi
Peterson (MN)
Pickering
Pickett
Porter
Poshard
Roukema
Sanders
Schumer
Stenholm
Turner
Weldon (PA)
Young (AK)
Young (FL)

□ 1102

Messrs. HASTINGS of Florida, ISTOOK, LINDER, SAXTON, NUSSLE, WHITE, KLUG and COOKSEY changed their vote from "yea" to "nay."

Mr. MINGE changed his vote from "present" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 4193, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Ms. SLAUGHTER. Mr. Speaker, this is the last year in which debate on the Federal support for the arts will be led by the distinguished gentleman from Illinois (Mr. YATES), the ranking member of the Subcommittee on Interior of the Committee on Appropriations. Renowned as the champion of the NEA and credited for keeping it alive by the sheer force of his will, the gentleman from Illinois is retiring at the end of the year.

Under the usual procedures of the House, the gentleman would have the honor of offering amendments to strengthen the arts. But this rule takes that honor away from him. Of course, this disappointment can never obscure the debt that artists, art educators, and art institutions across the Nation owe to their long-time champion. History will record SID YATES' legacy, the vitality of the arts across our Nation.

This rule cannot tarnish SID YATES' leadership on the issue, but it does demonstrate the nature of the leadership so caught up in its power that it has the audacity to deny the foremost supporter of the arts one last chance to lead the battle for the NEA survival.

Mr. Speaker, I would like to take a few moments to talk about the National Endowment for the Arts. It has been 32 years since President Johnson signed into law the bill legislation that would create the National Endowment for the Arts. He, along with most Americans, believed that the Federal Government must have a role in supporting arts.

Since then we have seen a profound impact on the nonprofit arts community in this country. The number of arts agencies has risen from five in 1965 to 56 today. Local arts agencies have grown from 400 to 4,000. Nonprofit theaters from 56 to 425. Orchestras from 1,000 to 1,800, and opera companies from 27 to 120.

From an economic perspective, the benefits of the NEA are unmistakable. Last year, the $98 million allocated to the NEA provided the cornerstone for a $37 billion industry. For the price of one hundredth of one percent of the Federal budget, we helped create 1.3 million full-time jobs in States, cities, towns, and villages across the country, generating $3.4 billion for the Federal Treasury in income taxes.

The U.S. Conference of Mayors, and more than 100 CEOs of major corporations, all support the NEA because they recognize the contribution of the arts to our economy and to our culture.

Most importantly, we must not forget the impact of the arts on our Nation's most precious resource, our children. Providing students access to art has a significant impact on their overall development, including academic achievement and behavior. In fact, a study conducted by the College Entrance Examination Board showed that students with 4 or more years of arts classes raised their SAT scores by 53 points on the verbal and 35 points on the math portions of the test. For 36 cents per capita, how can we not even consider making this investment?

The NEA is also instrumental in making sure all Americans have access to the arts. Through its innovative new

program, ArtsREACH, the agency is working to stimulate participation in areas that are often underserved by the arts grants. This program, which will be announcing its first set of grants later this year, provides funding directly to communities and States that receive fewer than five grants during the preceding year. With help from the NEA, communities develop a cultural plan with input from the local Chamber of Commerce, social service agencies, police departments, mayors, local artists and other community leaders. Outreach grants will enable communities to undertake such endeavors as building performance and exhibit spaces, enhancing opportunities in arts education, and developing arts alternatives for youth at risk.

Mr. Speaker, we may hear opponents of the NEA argue that the agency is no longer needed, that the private sector is fully capable of supporting the arts in America. I respectfully beg to differ.

Every Federal dollar spent by the National Endowment for the Arts leverages many additional public dollars at the State and local levels, as well as multiple private donations. Funding for the arts rests on a delicate balance of Federal, State, and local government funding, ticket sales, other earned income, as well as corporate and individual philanthropic giving. No arts organization can survive on earned income alone. In fiscal year 1997, the $99.5 million contributed by the Federal Government helped leverage $280 million in State funding and more than $675 million from local governments. The Federal Government needs to continue to do its share.

Mr. Speaker, it is time to stop holding the NEA a political hostage. We owe this to the agency, to the artists, and most importantly to our constituents.

In the 1996 Louis Harris poll, a majority of all Americans supported a Federal role in funding the arts. Federal funding for the arts has been and will continue to be a hallmark of civilized societies around the world. The benefits that we receive for our economy, for our children, and for our communities far outweigh our small financial investment. I urge my colleagues to oppose any efforts to shrink this important responsibility.

Mr. Speaker, the bill reported by the Committee on Appropriations recognized the benefits of the arts by providing $98 million, nearly level funding. That funding should have remained in the bill, making an amendment to restore it unnecessary.

However, this rule allows the funding to be struck and then allows an amendment to restore it. If the rule passes, I ask my colleagues to vote for the amendment to restore the NEA funding.

Mr. Speaker, I regret that the Committee on Rules chose this procedure; however, in the end, the rule does allow a straight up-or-down vote to provide funding for the National Endowment for the Arts.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, I was upstairs in my office up in the Committee on Rules preparing for some Rules meetings so that the House can expedite all of these appropriation bills that keep coming down here on us, and I heard the word "partisanship" mentioned several times.

Mr. Speaker, I am going to retire from this body come December 31, and the one thing I guess I will not miss about this body is when people stand up any time there is a disagreement and they start yelling partisanship. It should not be that way.

We can disagree. Reasonable people can disagree. But we ought to come down here and we ought to argue it out on a friendly basis. I say that with all due respect to the gentlewoman from New York (Ms. SLAUGHTER) who represents one of the nicest places in New York State, as I do. She represents Rochester, New York.

But let me explain why we are here in the first place. And I do so because there are not many Members, like the gentleman from Missouri (Mr. GEPHARDT) and myself and many others, who have been around here for a period of time. Two-thirds of the House is new in the last couple of elections, and maybe they do not understand. But, Mr. Speaker, we have rules in this House. And when we have appropriation bills, we generally bring those appropriation bills right to the floor and we let the House work its will.

Now, there is a problem with that because if we do that, then there are many items in these bills that are subject to points of order. That means they can be stricken out without any debate whatsoever. We have two Members of this body, one is departed, deceased now, and the other is about to leave with me in December. And his name is SID YATES, and the other was a man named Bill Natcher of Kentucky. They used to bring these bills right to the floor and let the House work their will.

If we did that we, of course, would not have a debate on an issue that is terribly important to many Members of the House on both sides of the aisle, and especially to the gentleman from Illinois (Mr. YATES) who is without a question the personification of the word "gentleman" in this body.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) very, very much, both for his very kind words and for yielding me this time.

Mr. Speaker, the gentleman from New York is incorrect in asserting that, like Bill Natcher, my good friend and his as well, I brought the Interior bill when I was chairman, to the floor, the Interior bill when I was chairman, without a rule. That is not correct.

I brought the bill to the floor asking for waivers of the unauthorized programs that were in the bill, including the National Endowment for the Arts. The gentleman from Massachusetts (Mr. MOAKLEY), who was then in the position now occupied by the distinguished gentleman from New York, gave us a waiver on all of those. The gentleman differs in that respect by refusing to grant that waiver to the National Endowment for the Arts.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I thank the gentleman from Illinois for his clarification. Let me just point out the difference now between the current majority and the old Democratic majority.

In the past, the Committee on Appropriations would overrule the standing committees, the authorizing committees, of which there are 13 in this body. They would legislate in their appropriation bills. This would create a lot of animosity on both sides of the aisle.

We now have a protocol where if an issue appears in an appropriation bill, and it has not been authorized by the authorizing committee which, under the rules of this House, has the obligation to deal with these authorization programs, then we just do not protect them unless we do have the support of the authorizing committee.

Mr. Speaker, here is the letter from the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce. The gentleman points out that his committee has not authorized the National Endowment for the Arts, nor do they intend to this year. That means, under normal protocol then, we would simply leave this issue unprotected and that would be the end of it because some Member, like myself who opposes Federal funding of the National Endowment for the Arts, and we can differ on that whether that is right or wrong, but I or any other Member should stand up and strike it. There would be no debate on this issue.

Now, instead of that, in trying to be fair to Members on both sides of the aisle, Republicans and Democrats both divided on this issue, we issued a rule and we lived up to the protocol, our obligation to the authorizing committees and we left the NEA funding exposed.

Now, we also wrote into the rule, and I have the language right here, that if

someone, myself or anyone else, should strike the funding for the NEA because it had not been authorized, we would then make in order an amendment by the gentlewoman from Connecticut (Mrs. NANCY JOHNSON), wherever she is here, that would restore $98 million, the entire funding match from last year, to this issue, and we would have a debate, up or down, on this bill.

Now, we did something else earlier on, because in the Committee on Appropriations I think our good friend, the gentleman from Wisconsin (Mr. OBEY), who is also one of the highly respected Members of this body, saw fit to offer an amendment where he placed in the appropriation bill money for this unauthorized program, and he took it out of the account which funds fire fighting on Federal lands in this country. Now, that to me is a high priority. We know the heat wave that is striking this country. We need those funds in the bill.

We have self-executed into this bill the funds that were taken out of it for fire fighting, at the request of the gentlewoman from Idaho (Mrs. HELEN CHENOWETH). It is her amendment. And I want to commend her highly, because if it were not for her, right now these funds would not be in this bill. So I highly commend the gentlewoman for what she has done.

Now, her amendment, once this rule passes, is in the bill. It restores the $67 million. Now, then, the House is going to have the opportunity, whether Members are for or against the NEA, to work its will on an up or down vote. We cannot be any more fair than that. And we have attempted to be as fair as we possibly could.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Could the gentleman claim some time from the gentlewoman from New York (Ms. SLAUGHTER)?

Mr. OBEY. Since the gentleman used my name, I want the gentleman to yield to me.

Mr. SOLOMON. Well, I am cutting into other Members' time, but I will yield for 30 seconds.

Mr. OBEY. Thirty seconds is all I need.

I would simply point out that money was taken from the fire fighting account because that was where money was intentionally parked by the committee, which they knew was above the amount that they were going to be asked to be spent on that item anyway. So we took the money from the account that the gentleman's own committee leadership planned to take it from to do the very thing that we did. I do not know how we can be blamed for that.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I do not think the gentleman can explain that to the 21 fire fighters from my district that went out to fight fires and were gone for 3 months in this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House of Representatives.

Mr. GEPHARDT. Mr. Speaker, I rise today to speak against the Republican rule on the National Endowment for the Arts and in support of full funding for the NEA. We must make this commitment not only to fulfill our Nation's cultural life but also to nourish the local economic development efforts which rise from our investments in the arts.

I hope that the majority of the House will eventually support funding for the National Endowment for the Arts, but we can only get there by crossing an obstacle course put in place by the Republican leadership. Their Byzantine maneuvering on this rule is a waste of the House's precious time.

Support for NEA is more than just about the love of art or high-minded support of cultural endeavors. It is about supporting the efforts of State and local governments to create economic growth. The NEA's funding goes to projects which increase economic opportunity by promoting the cultural and artistic activities of local citizens. The arts enhance a community's quality of life, thereby attracting industry, jobs, and increasing the tax base. Investment in the arts is both economically prudent and wise.

Federal funds are leveraged by localities to bring about a bigger bang for the NEA buck. The $98 million invested in the NEA by the Federal Government stimulated State and local governments to provide more than $975 million to the arts. This is big business: The nonprofit arts industry generates $36 billion of business annually and supports 1.3 million full-time jobs.

And the NEA benefits rural as well as urban areas. The NEA's partnerships foster rural community revitalization, downtown development, and historic revitalization. The cultural traditions of local communities can serve as a strategy for economic development of economically depressed rural communities.

Also, funding for the NEA is about supporting a full and rich education for our children. In 1997, 10 percent of its annual grant dollars were spent in support of pre-K through 12 arts education programs. NEA grants are used to provide educational opportunities for millions of children to learn and be enriched by the arts, opportunities that would not exist without the NEA.

So we need to fund the NEA to make sure that we nurture the artistic capabilities of all Americans. Funding for the NEA is a small investment in the spiritual and intellectual health of our country. It has and will continue to pay great dividends for our Nation, far beyond its modest cost.

I urge my colleagues to reject this rule and support full funding for the National Endowment for the Arts.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is there on both sides?

The SPEAKER pro tempore (Mr. NEY). Both sides have 19 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I first want to express my heartfelt appreciation to the chairman of the Committee on Rules, my friend, the gentleman from New York (Mr. JERRY SOLOMON), and I will miss him terribly. The gentleman from New York worked tirelessly to guarantee that my amendment to increase wild land fire fighting capabilities is considered as adopted, and I thank the chairman for recognizing the importance of the funding of this account and for his leadership.

Mr. Speaker, as chairman of the Subcommittee on Forests and Forest Health of the Committee on Resources, it is easy to understand my elation when I learned that the Subcommittee on Interior of the Committee on Appropriations increased the wild land fire management account. With roughly a half million acres burned and burning in Florida, and I guess just the recent rains have just finally put those fires out, and with one and a half million acres burned so far this year nationwide, the subcommittee properly funded the fire fighting account and they funded it at a higher level.

This should be a national priority, to make sure that our national resources do not burn. We very well may have a record fire year this year, even exceeding the fire year of 1910. I would not be surprised to see more acres burn this year than in 1910. The subcommittee's response was very proper. So, Mr. Speaker, when the full appropriations legislation left the fire fighting budget seriously underfunded, my disappointment and distress should come as no surprise.

Now, let me say that I appreciate the arts. Let me also say that I declared a major in music. Let me also say I received a scholarship in music. My whole family is very, very musical. I appreciate the arts. But this is a Nation that must have its funds in order and its priorities in order as to how we expend these funds.

When we are a Nation that can meet the necessary services, like a national defense, fire fighting for our public lands, and take good care of the resources that we already have, such as our forests, then, absent pornographic arts, maybe there is a case that can be made for the National Endowment for

the Arts, but only after we have taken care of all the necessary services.

I am not sure that this should ever be a function of the Federal Government. The ultimate irony is that funding for the National Endowment for the Arts came from the fire fighting account. Now, that is a misprioritization of our funds. It would be especially odd considering that the NEA is an organization this body has elected to terminate. But to fund the NEA at the cost of the wild land fire fighting capabilities is unacceptable.

I appreciate the Committee on Rules accepting my amendment to reconfirm our priorities. I do not intend to engage in a debate in the validity of using taxpayers' monies at this point in time for the arts. Suffice it to say that I do not support the NEA in its present form. I will say, though, that when the Federal Government controls vast amounts of land and absolutely refuses to take steps to prevent and control wildfires, steps such as thinning or harvesting dead and dying timber, and steps such as providing roads, like they admit now they needed in Florida in order to prevent the wildfires from spreading, the Federal Government must pay for fire suppression and protect communities, forests, wildlife habitat and the State and private forests and private property.

The Clinton Administration's hands-off approach to forest management is coming back to haunt us. The administration's poor management has resulted in some very serious fires. In 1996 we burned 3 million acres. How many more acres will it take for them to wake up and change their management priorities? We are, at the beginning of this summer, at 1.5 million acres already and counting, and it is only mid-July. Their attitude has been let it burn, but just be sure and get a good picture.

I am pleased again, Mr. Speaker, that our chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON), worked so hard to help me in restoring funding.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, this is a strange rule. In almost 50 years in the House, I have seen a lot of strange rules, but I think this is probably the strangest and probably the most political.

The Committee on Appropriations had gone out of its way to approve the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to re-fund the National Endowment for the Arts. This rule kills the action of the subcommittee.

And, incidentally, that vote was a bipartisan one. Not only the Democrats, but five Republicans helped pass the Obey amendment. This rule kills the action of the Committee by denying a waiver that would bar a point of order for lack of authorization of the program.

Then the rule turns around, having taken the money away from NEA, and tries to put it back by giving the gentlewoman from Connecticut (Mrs. JOHNSON) the opportunity to offer an amendment to restore it.

My good friend, the chairman of the Committee on Rules, says "What could be fairer than that?" I will tell the gentleman that, in my opinion, what could be fairer than that would be if he had provided the waiver for NEA that he gave to about 30 other unauthorized programs in the bill. NEA was unfairly singled out for the denial of a waiver.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. YATES. The gentleman yielded to me. I will be very glad to yield to the gentleman from New York.

□ 1130

Mr. SOLOMON. Mr. Speaker, I would just point out to the respected gentleman that no other authorizing committee had asked to leave a point of order stand except this one.

Let me say to the gentleman, the only fair thing was to do it the way we did it. The other alternative, and I will say this to the gentleman from Missouri (Mr. GEPHARDT), wherever he may be, because he argued to defeat the rule: If we defeat the rule, the bill comes on the floor without a rule; under regular order of the House, someone stands up and strikes the funding for the NEA, and then there is no debate and there is no funding.

I do not think the gentleman wants that, and the gentleman from Missouri (Mr. GEPHARDT) should reconsider.

Mr. YATES. Mr. Speaker, reclaiming my time, I think that does not vitiate the error that took place in not having waived the rule of the House for NEA, as was done for the other programs.

For 10 years we have brought our bill to the Committee on Rules asking for a waiver of all the unauthorized programs. When the gentleman from Massachusetts (Mr. MOAKLEY) occupied the Chairman's seat now claimed by the gentleman from New York (Mr. SOLOMON), he gave this waiver to NEA and we brought it to the floor and we handled it successfully.

The SPEAKER pro tempore (Mr. NEY). The time of the gentleman from Illinois (Mr. YATES) has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding, and I thank both him and the chairman of the committee as well for their cooperation.

Mr. Speaker, I just wanted the additional time so I could advise the House that I intend to fight the previous question when the rule comes up for a vote. We have prepared an amended rule with a waiver for NEA that will be presented to the House, to place it in the same equal status as the other unauthorized programs, and I would hope that the House would approve that amended rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I rise today in support of this rule and for this legislation, the FY 1999 Interior appropriations bill.

I also want to thank the chairman, the gentleman from Ohio (Mr. REGULA), and the gentleman from Illinois (Mr. YATES), the ranking member, for their bipartisan support of the Midewin National Tallgrass Prairie at the former Joliet Arsenal in Illinois, what we call the Land of Lincoln.

The former Joliet Arsenal in my congressional district was converted to peacetime uses by way of legislation passed by this House and signed into law by the President in 1996. Out of this legislation came the Midewin National Tallgrass Prairie, the largest conservation area of its kind, 19,000 acres, which will be available for generations to come.

The Midewin Prairie was established to conserve and enhance native populations and habitats of fish, wildlife, and plants; to provide opportunities for environmental education and scientific research; and to provide recreational opportunities for the millions of people in the Chicago Midwest and throughout our Nation.

This committee has been very helpful in support of the development of the Midewin. The Midewin is now on its way to becoming what some have called the Yellowstone of the Midwest. This legislation contains $2.7 million for operations, planning and design and for development so that visitors can be coming in the coming year.

As my colleagues know, this is a high priority environmental initiative. This project has long had bipartisan support, including support from the entire Illinois delegation. My friend and colleague the gentleman from Illinois (Mr. YATES) has been a great advocate and supporter of the Midewin, and I salute him for that.

Creation of the Midewin Tallgrass Prairie was widely supported by business, labor, veterans, the environmental community, local elected officials, and our outgoing Governor Jim Edgar. The U.S. Forest Service, in partnership with the Illinois Department of Natural Resources, has been working with various agencies, organizations and individuals, including to the point where "Team Midewin" has obtained $2.3 million in private sector support for the development of the Midewin Prairie.

This is an excellent example of a public-private partnership. I again want to

thank the Committee on Appropriations, under the leadership of the gentleman from Ohio (Mr. REGULA) and the gentleman from Illinois (Mr. YATES), for funding this project. It is important to Illinois. It is important to our Nation. It is a top environmental priority. I thank them for supporting the Midewin Tallgrass Prairie. I urge support of this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I take the floor today not so much in anger as in bemusement. This rule is the most blatantly partisan manipulation of the House rules that I have seen in my 29 years' service here. And I guess what I feel more than anything else is simply sorrow for those who feel that they have to engage in such manipulations in order to claim political victories.

I think we ought to take a look at the history of the arts to understand what is being done here today and why. The history is that, for the last 2 years and really for a number of years before that, a large segment of the Republican Caucus in this House has had as its number one mission the elimination of all Federal funding for the arts. Last year no money was provided for funding for the arts in this bill by the majority party, and it took a clear veto threat from the President and a clear bipartisan resistance to their position by the Senate and an insistence by House Democrats that funding be restored before the conference committee on this bill last year did in fact restore the money.

This year, the Republican majority gave zero dollars for the arts in the original bill that came before our committee. In committee, I offered the amendment to restore funding. It was adopted by a virtually unanimous Democratic vote with, I believe, 5 additional Republican friends supporting us to create a bipartisan majority for funding the arts.

This rule under which the bill will now be debated simply allows a single Member to eliminate the funding for the arts under the excuse that they are not technically authorized. And then it makes it in order to restore the very money which they will have just stricken, but only if that amendment is offered by a Republican.

Is there anyone on the House floor who does not see through that charade? Is there anyone who does not understand that what this indicates more than anything else is that this House, in the closing days before the election, is being turned by the majority leadership from a legislative body into a reelection machine? Does anybody really believe there is any other game but that going on?

It is really, in my view, this kind of manipulation that makes so many people back home think that politics in this Congress has become more a question of what politicians do to each other rather than what we are supposed to be doing for the people we represent. And in my view, it is a regrettable chapter in the history of the House.

The rule has only one purpose. It knocks out funding put in the bill on a Democratic motion for the purpose of giving a Republican Member a chance to claim credit for putting it back, and it also has the parliamentary effect of raising the number of votes required to preserve the arts because we have to have a majority to put the money back in rather than a majority to take it out. That is all it does.

And all I would say to my friends on the Republican side is that if that is what it takes to make them feel good, if that is what it takes to make them feel a little bit more secure from public opinion, by all means, go ahead. But it is not going to fool anybody, not on this floor and not anybody watching.

So go ahead, play the partisan games. It is amazing to me to see what some people will do in order to try to claim a political victory. But in the end, what counts is not these partisan manipulations; it is whether or not the arts are funded. That is a grace note this society needs.

And so, regardless of the ludicrousness of the rule, I expect to support the amendment when the time comes.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GOSS), a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Washington (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, I rise in strong support of the rule. It is also a rule that keeps our word to those who desired an up or down vote on the controversial subject of the NEA.

I know that the NEA supporters are upset that the burden has shifted. I have been a supporter of the NEA in the past. I know it is well-championed. But I happen to believe under this rule we are going to end up in the right place, if we do it even a different way, and I think we are going to have a good debate.

I am also pleased that the rule self-executes an amendment to fully fund the wild land fire suppression operation, which is of course a critical issue for the folks in my home State of Florida, given the horrible experience we have just had there.

As usual, the gentleman from Ohio (Mr. REGULA) has done an extraordinarily good job of balancing very difficult issues, and I want to publicly thank him. This year's bill provides much needed funding increases for the national parks, the national forest system, and the national wildlife refuges.

I am especially appreciative of the committee's attention to a number of initiatives important to my home State of Florida, not only the fires, but the Everglades, the OCS Moratorium, and the Coastal Barrier Resources system. These are all things that are vital to our quality of life, and they are all truly national assets.

While we have an opportunity to discuss the Coastal Barrier Resources issue in more detail later on if my colleague the gentleman from Maryland (Mr. GILCHREST) offers an amendment, I hope that people will reject the Gilchrest amendment if it is offered.

I generally support the efforts of the gentleman from Maryland (Mr. GILCHREST) to promote our barrier islands. He is a true champion in that respect. But the particular amendment that he is proposing today, or may propose today, strips out a provision in the bill that ensures that a law that has already been signed by the President, 2 years ago in fact, making technical corrections to the Coastal Barrier system maps goes forward. It seems to me that we have already fixed that problem and we do not need to go back.

I agree with what the gentleman from Maryland (Mr. GILCHREST) is saying prospectively, but I hope that his amendment today will not pass because it unties the fixes that we have made to settle the maps correctly and get them done properly in a fair interest between private-property rights' interests and the public's interest.

I urge support for the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I would be remiss if I did not start off by congratulating the gentleman from Illinois (Mr. YATES) for his over 30 years of leadership in funding for the arts and on many other subjects.

Mr. Speaker, I know there is a great deal of controversy surrounding this rule, but rise today because I think it is necessary to restate the vital importance of the National Endowment for the Arts.

Thanks in part to the NEA, the non-profit arts industry now generates more than $36 billion of business annually, supports 1.3 million full-time jobs, and returns $3.4 billion in federal taxes every year.

Many local agencies have formed partnerships with local school districts, law enforcement, parks and recreation departments, chambers of commerce, libraries, and neighborhood organizations. Together they have used the arts to address local community development issues.

The NEA, however, does much more than just fund local arts agencies. The NEA supports nationally important work like the Vietnam Veterans Memorial, public television programs, and numerous touring artist groups that bring excellent art to local communities all across the nation. What state arts agency would spend its limited funds on touring dance or theater groups outside of their state? Only the NEA would support these types of touring

arts groups who travel across the country bringing the arts to the American people.

The NEA also supports arts education, which is essential in developing critical thinking skills such as reading, math and science. Last year, the NEA invested $8.2 million, 10% of its annual grants, in kindergarten through grade 12 arts programs. The U.S. Labor Department report of the Secretary's Commission on Achieving Necessary Skills cites the important role of arts education in achieving many "core competencies" for the workplace, including creative problem solving, allocating resources, team building and exercising individual responsibility.

In short, the NEA is good for education and good for our children. NEA funds help every State in the country. The NEA is a sound economic investment by the federal government, and it plays a critical role in improving our everyday lives and promoting the general welfare. I personally feel that one thing that has been proven by its distinguished history is that, when it comes to fostering the arts, the NEA is the best option there is, the best there was, and the best that—for the foreseeable future—there ever will be.

Mr. Speaker, the arts are vital in American life, and the NEA is vital to promote the arts. It has contributed to the tremendous growth of professional orchestras, nonprofit theaters, dance companies and opera companies throughout the country. Before the NEA, there were 58 orchestras in the country. Today there are more than 1,000. Before the NEA, there were 37 professional dance companies. Now there are 300. Before the NEA, only 1 million people attended theater each year. Today more than 55 million attend a year.

The NEA also stimulates the growth of local arts agencies and investment in the arts by State and local government. Before the NEA, only 5 States had State-funded arts councils. Today all 50 States do.

Mr. Speaker, we should not only continue funding the NEA; we ought to increase its funding substantially. That is why it is unfortunate we are considering this vital program under this silly rule. The Committee has already voted to restore the NEA's funding, and now we are here playing games with the rule that takes out this funding precisely so that we can debate putting it back in. What is most important today is that we live up to our constitutional obligation to promote the general welfare, and that means protecting and promoting the National Endowment for the Arts.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule; and I do so with the greatest respect for my very good friend, the gentleman from Illinois (SID YATES) who, as the gentleman from New York (Mr. SOLOMON) said earlier, is going to be retiring.

The gentleman from Illinois (Mr. YATES) has over the last several weeks been insisting that the genes that have come from my late father will continue, because it is no secret that my father, who was very active as the head of the Lyric Opera Company in Kansas City, Missouri and several other organizations, was a strong supporter of the National Endowment for the Arts and encouraged me to do that.

But let me just talk for a moment about this rule. I have heard words like "Byzantine" and "extreme partisanship" used to describe this rule, and I think it is important for us to note that there is a great deal of controversy about the National Endowment for the Arts.

□ 1145

I am on record in the past saying while I am a very strong supporter of the arts, I make personal contributions to different efforts around the country, I do believe that when we look at the limited resources that we have here in Washington, D.C. and the fact that priorities need to be established, I think it is a very justifiable debate to say that expending hard-working taxpayer dollars on the arts is in fact not the most responsible use of those dollars when we have a very strong economy and voluntary contributions, with tax deductibility, can in fact be expanded.

But as far as this rule is concerned, Mr. Speaker, it seems to me that with this controversy we have without an authorization run by this structure that we have put into place saying that we should not have this measure protected in the appropriations bill but we will still, when it is struck out, have the opportunity for an up-or-down vote to be made with the Johnson amendment that will be made in order. So I think that the rhetoric is what has troubled me in saying that this is somehow Byzantine and extremely partisan when we are giving the debate an opportunity to be heard in the House. I do support this rule and the final bill as it comes forward.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I too want to thank the gentleman from Ohio (Mr. REGULA) and the gentleman from Illinois (Mr. YATES) for what they have done with the underlying bill. But I want to talk about a matter that involves part of our district in Tennessee, the Land Between the Lakes, because there is a legislative provision protected in the rule that makes little economic sense, is unfair to the people of the country and is punitive toward the Tennessee valley.

LBL, Land Between the Lakes, is currently managed by the Tennessee Valley Authority with an annual budget of about $11 million, $4.5 million of that coming from user fees. It draws more than 2 million visitors each year and is the hub of our local economy.

TVA's management, policies and employees' performance at LBL has been under a thinly disguised attack by the House leadership for more than 2 years, notwithstanding the fact that virtually every objective person who has an interest in its future agrees that TVA is doing a good job of stewardship. The TVA Caucus, the National Wild Turkey Federation, the Tennessee Conservation League, and the Land Between the Lakes Association all say so.

This record of sound management now depends on the outcome of a House-Senate conference reconciling fiscal year 1999 energy and water appropriations.

What is protected in this rule is the backup plan, what they characterize as a backup plan. It is part of the continued attack on TVA in general and in my judgment will ultimately imperil LBL's future as the national treasure as a wilderness area in the eastern United States it is. It sets in motion a transfer of LBL's management to the National Forest Service.

Given the budget considerations that the Forest Service has in respect to the problems it has budgetarily outlined in the Public Lands Funding Initiative, I would hate to see LBL get lost in the Forest Service backlog.

Let me just say this. Transferring LBL to the Forest Service or perhaps other Federal agencies in my judgment will not save the taxpayers of this country one single dime. This is not the way to go on LBL.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. REGULA), the distinguished subcommittee chairman who is responsible for this legislation.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. First of all I want to say I have been pleased with the debate we have had on this rule. I think we have had many different points of view expressed. I hope that the entire bill will be treated with the same courtesy and respect for the opinions of others.

It is clear that one of the major issues in the bill is the National Endowment for the Arts. We have wrestled with this issue, the gentleman from Illinois and myself, for several years. Last year we went through a rather convoluted procedure to get to a final disposition.

So I started out 6 months ago doing some missionary work to reach a solution on the NEA. I talked to those on our side who would like to abolish it, I talked to the leadership on the other side and to the gentleman from Illinois (Mr. YATES). We finally reached an agreement that we would come to the floor with a zero funding for the NEA. There was an agreement that we would get a waiver on an amendment so to put the funding in and the Members of

the House could have an up or down vote.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, when the gentleman from Ohio and I came to that agreement, I had the impression that the effort for the vote would be led by the Democrats, as it has been over the last several years, and I was unaware of the convoluted structure that the rule was going to take.

Mr. REGULA. I understand. I think he has some legitimate concerns, and I had not really said particularly who should offer the amendment. My mission was to get a clean vote so we would know where 435 Members of this House stood on the basic issue, and, that is, Is it the government's role to fund the NEA? With all the restrictions, we have put on the NEA, most recently the original Senate amendment on obscenity upheld by the Supreme Court last month, plus the fact that we have three Members of the House and three of the Senate sitting on the National Council. I know that a couple of these Members are not very big fans of the arts, to say the least.

So we have worked out the arrangement to come to the floor with zero funding, and I think in good faith the gentleman from Wisconsin (Mr. OBEY) offered the amendment in the full committee, not being sure that this agreement would stick in the House. That is what brought us to where we are today. We are going to have the clean vote on the NEA.

Let me say to my friends on the other side of the aisle, there is a difference. Had the gentleman from Wisconsin's language been given a waiver, we would have had a series of amendments from this side, to cut the NEA by 2 percent, 3 percent, 4 percent. The gentleman from Illinois and I went through that before, with attempts made to cut it, and then obviously an amendment to take it out completely.

What the Committee on Rules has done here is something unique, to give us that clean vote that the gentleman from Illinois and I had agreed was an important element of all this, and, the rule provides for this vote. This makes it different than the Obey amendment, since there can be no amendments to the amendment putting the money back in. That is a different dynamic than would have been the case had there been a waiver on the Obey language. So I think this is an important difference.

I think given all those circumstances, I hope my friends will not push the issue on the previous question, that they will support the rule. Other than that issue and it is clear from the discussion this morning, that is the issue in many respects because most of the statements here have been directed to the NEA rather than the merits or demerits, of the rule itself. We are going to have that opportunity.

There are a lot of other good things in this bill. It is a very balanced bill, it is very fair, it is totally nonpartisan as I think the gentleman from Illinois would agree. We did not ask on projects or programs, "Is this a Democratic or Republican program?", we asked, "Does it have merit?" Because we had a limited amount of money. We had $200 million less this year than last year to meet the needs of what probably are the most popular programs in our government, parks, forests, fish and wildlife, the Bureau of Land Management.

I hope Members will read the report. We have a section on the recreation on all of our land agencies plus the cultural agencies, the Smithsonian, the National Gallery, the Holocaust Memorial Council, the Kennedy Center, and others.

So it is a very good bill. It is very reasonable in the way we have approached things. I think we have been fair in the allocation of the resources and fair to the Members. Most importantly we have been fair to the people of this Nation, because we have tried to preserve the jewels of our cultural heritage, as well as our ecological, our natural heritage.

I would urge all the Members to support the previous question and support the rule. Let us have a debate on the merits of NEA. Let us have a debate on the merits of other programs and the way in which we have allocated the funds available to us.

I urge both sides to vote "yes" on the previous question and "yes" on the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I support funding for the Endowment for the Arts.

On the central coast of California, thousands of people of all ages have been thrilled and inspired by a variety of programs, exhibits and performances made possible by NEA funding. For example, the Children's Creative Project, the Cal Poly Arts Program, the Cuesta College Public Events Program and the Santa Barbara Museum of Arts all have benefited from NEA seed money.

I have worked in schools for over 20 years and I have also seen firsthand the advantages of our education. Art opportunities teach our children rhythm and design. But they also teach critical thinking skills and portable creativity. My State, a leader in computer technology and programming, demands a workforce that can think and work innovatively. These skills do not begin in college with an engineering class but in a child's elementary art class or a class trip to the museum.

I urge my colleagues to restore funding for the NEA. It is matching funds but it allows private dollars to grow.

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

Ms. WOOLSEY. Mr. Speaker, what an embarrassment. Once again NEA is under attack here in the House of Representatives. Opponents of NEA cry fiscal discipline. The majority party employs procedural wizardry, as if the richest Nation in the world needs to be the most culturally impoverished. We know that the dollars we invest in the NEA multiply many times over.

So what are we really witnessing here? We are witnessing an assault on free expression, a war on culture, a rule that denies the gentleman from Illinois (Mr. YATES) his earned right. This is a battle as old as the stockades in puritan times and just as wrongheaded.

I urge my colleagues, oppose this rule, support a bipartisan effort to fully fund the NEA. It is a small investment with a return as vast as your imagination.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise to acknowledge that this appropriations issue is probably led in this House by two of the finest gentlemen in here, the gentleman from Ohio and the gentleman from Illinois. It is indeed a beautiful relationship between two senior men in this legislature who have done such an outstanding job in this appropriation, one of the most important for our country because it is really about our soul, about the land and the culture.

□ 1200

What I am concerned about is that we again have to bring to the floor and go through a very difficult debate on funding the NEA. The National Endowment for the Arts is not a debate just about arts. It is a debate about whether we are willing to be creative in America. If we are not creative, we are going to lose the competitive advantage.

There is not an industry in the United States that does not depend on the arts, does not depend on the imagination, does not depend on the ability to look at things, as they say, outside the box.

The people with that creativity come through the art world. It is as the same fingers that operate the computers that operate the piano keys. We have to realize in this country that, if we forgo support for the arts, we forgo our culture.

Look at this room and this building. Is this not about art and history of our country? So the National Endowment should not be coming to the floor struggling. We are appropriating $98 million.

A few weeks ago, we had a debate which I supported on giving support for marketing our agricultural crops abroad. We are appropriating more

money to sell oranges than we appropriate for the National Endowment for the Arts. I think that is a pity in a country that is probably the most creative country in the world.

So when we talk about the arts, let us talk about business. Let us talk about why all of Wall Street supports the National Endowment for the Arts. Anything less hurts America.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to join my colleagues in expressing my disagreement with the proposed rule. But first of all, I would like to thank my colleague from Illinois who, for 48 years, has consistently fought for citizens' access to the arts. His dedication and assistance have been essential to the preservation of the NEA.

I have heard many miscalculated and illusory statements from those who want to destroy the National Endowment for the Arts. The arts and humanities are an important component to American life. The NEA brings the arts to communities all across America regardless of geographic location.

The arts and humanities can speak of things that cannot be spoken of in any other way. They foster a sense of community by advancing an understanding of history, culture, and ideas. It instills social values by helping people identify common bonds and connections.

While not large in terms of budget, these programs serve as an important catalyst and source of recognition for artists and programs throughout the country. Back in my own community, they are many: The West Side Cultural Arts Council, the Chicago Symphony Orchestra, Chicago Black Ensemble Theater Corporation, the School of the Art Institute of Chicago, the Black Ensemble's Little City Program, the Museum of Contemporary Art, Illinois Arts Alliance, and Field Museum.

I urge my colleagues to vote against the rule and vote for the preservation of, not just the arts, but the preservation of a way of life.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, why would we target a program like the NEA when it costs so little for our country but provides such a great benefit across this wide country?

We engage in a continual debate about cutting funding to this agency that increases citizens' access to the arts, helps us preserve our diverse cultural heritage, and stimulates private and local funding for the arts.

In many States, like Colorado, NEA funding provides the necessary funds for small museums in tiny towns, for school programs, for children who would never have any arts education, and for a variety of arts programs across the country.

This is an incredibly beneficial program. We should not be talking about cutting it. We should be talking about finding increased funding to provide this necessary public benefit across the country.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I just want to say that I propose to have a vote on the previous question as I indicated when I addressed the House formerly. I would hope that, with the favorable vote on the previous question, I will then offer an amendment to provide the waiver for NEA that it deserves.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to make four points after hearing the debate here on the rule.

First of all, most of the debate here has been regarding NEA, which is only a small part of this bill. This is an open rule in all other areas. Members that have disagreements with what the committee has come up with will have an opportunity on the floor following this to perfect the bill as they see fit.

The second point is that we have protected the protocol of not authorizing on an appropriation bill without leave of the authorizers. We have tried to maintain that. We think that is good policy in the Committee on Rules under Chairman SOLOMON, and we have protected that. That is why the NEA is not protected.

Third, in the short time that I have been in this Congress, there has been a great deal of debate, I will not say dissension, but maybe that is a proper word, regarding NEA.

If I heard it once, I heard it a number of times, why do we not just have an up or down vote on this issue and be done with it. At the end of the day, that is precisely what we are going to have is an up or down vote on NEA.

Finally, I would like to make this observation. It was said in debate that the gentleman from Illinois who is retiring at the end of this year has worked very hard on this question. I do not think his work on this question will be forgotten because of the way this rule is structured at all. In fact, I think he will probably be remembered.

I might say that I happen to be one that disagrees with his position as far as Federal funding, but the gentleman's work will certainly be remembered; and I think that is important. Certainly when he leaves here, he can have some solace in that.

So I think this is a good rule. It provides an open rule. Mr. Speaker, I ask my colleagues to vote yes on the previous question, yes on the rule.

Mr. Speaker, I include the following explanation of ordering the previous question:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII ("Previous Question") provides in part that: "There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered."

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this rule because it does not protect the NEA funding included in the bill against points of order. Republicans will argue that the NEA should not be protected against a point of order because it is not currently authorized. That is utterly disingenuous and they know it. There are eight other unauthorized programs with funding totaling nearly $2 billion contained in this bill that are protected from points of order by this rule. The NEA is the only unauthorized program not protected by the rule. The fact of the matter is that if the rules committee was truly concerned about unauthorized programs, it wouldn't have allowed $2 billion in funds to be protected from a point of order, while singling out the $100 million included for the NEA.

Mr. Speaker, this rule allows funding for the NEA to be stripped from the bill because the Republicans want to cut the NEA. It's that simple. Every year since the Republicans gained the majority in Congress, we have had a divisive fight over arts funding, and every year the NEA has managed to survive those battles. This year, proponents of the arts were promised a clean vote on NEA funding, but they became concerned about that promise when the full committee voted to include funding for the arts in the bill. The Republicans know that if a bill came to the floor that included funding for the arts, it would put proponents of arts funding in a stronger position than if the bill did not include funding. So, instead of allowing the funding to be included in the bill, as it was reported out of full committee, the Republicans have put forth a rule that allows funding to be stripped, putting supporters of arts funding in the weaker position of putting arts funding back in the bill. This is a truly cynical procedure that this House should reject.

Mr. Speaker, as a member of the Interior Appropriations subcommittee, I have learned a great deal about the NEA in the last few years. I know that the NEA would admit it has made mistakes in the past, but it has instituted a series of management reforms to ensure that those types of problems will not recur. Even given those problems, opponents of the NEA can point to only a handful of questionable grants out of hundreds of thousands that have been awarded during the 32-year history

of the NEA. After hearing real people and real artists discuss what the NEA has brought to them and to their communities, I know that the NEA is an incredible catalyst for bringing people together and expressing, in a creative fashion, the full range of the human experience. The National Endowment for the Arts is successfully working to bring arts to underserved communities, through after school youth programs that are introducing our young people to the power of creative expression as an alternative to violence, and through folk and traditional arts they remind us of our common bond and what it means to be an American.

I urge my colleagues to vote against this rule so that we can have a fair debate on the NEA and honor the views of the full committee, which voted to report a bill to this House that included $98 million in funding for the NEA. A vote against this rule is a vote for the arts.

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

The SPEAKER pro tempore (Mr. NEY). 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. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

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

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 15, as follows:

[Roll No. 310]

YEAS—223

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—196

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

NOT VOTING—15

Baker
Bilirakis
Canady
Dixon
Ford
Gekas
Gonzalez
Hinojosa
John
Kennelly
McDade
McNulty
Norwood
Ortiz
Peterson (PA)

□ 1227

Ms. KILPATRICK, Mr. KILDEE and Mr. TURNER changed their vote from "yea" to "nay."

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 191, not voting 19, as follows:

[Roll No. 311]

AYES—224

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
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
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug

Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—191

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

NOT VOTING—19

Baker
Bilirakis
Dixon
Ford
Gekas
Gonzalez
Graham
Hastings (FL)
Hilliard
Hinchey
Hinojosa
John
Kennelly
Livingston
McDade
McNulty
Norwood
Ortiz
Rodriguez

□ 1234

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, during rollcall vote No. 310, and rollcall No. 311, I was unavoidably detained. Had I been present, I would have voted "no" on 310 and "no" on 311.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1891

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1891.

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

There was no objection.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, which we are about to consider, and that I may be permitted to include tables, charts, and other material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. NEY). Pursuant to House Resolution 504 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. 4193.

□ 1236

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. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. LATOURETTE 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 Ohio (Mr. REGULA) and the gentleman from Illinois (Mr. YATES) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

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

Mr. Chairman, I want to introduce my statement with a quote from the Indian lore, from the Native Americans, and I think it sums up what this bill is all about. I quote: "We do not inherit this land from our ancestors; we borrow it from our children." That is a profound truth, and that is what we have tried to keep in mind as we have dealt with this legislation. I like to call this bill the "Take Pride in America" bill, because we can take pride in what has happened in this great land of ours, in the preservation of our great natural resources.

Several members of our committee had an opportunity to tour some of the parks in the system this last month, and I think we agreed that we found great pride on the part of the people that staff these facilities. I think the gentleman from Wisconsin (Mr. OBEY) would agree. He was part of our delegation, and saw that people in the land agencies are proud of their work and they put in a lot of extra time. We saw this in Yosemite where the storm damage has been repaired, a lot of it on time donated by members of the Park Service staff.

I also think that the record of volunteers in the land agencies is enormously impressive, and something we can all take pride in. Mr. Chairman, 94,000 people volunteered to work in our national parks without any compensation, but because they care about the land, they care about the parks. Mr. Chairman, there are 112,000 volunteers in the Forest Service; 28,000 volunteers in Fish and Wildlife; 17,000 volunteers in the Bureau of Land Management; and we of course are talking about a total of 617 million acres of the United States, about 30 percent of the land area.

We get a lot of foreign visitors. In our meeting with park officials, we learned that people come here from all over the world to view the national treasures, to view the unique ecological characteristics of our national parks, forests and other facilities.

We have extended the recreation fee program for two. We will talk more about that in general debate. It is anticipated to generate $500 million over

a 5-year period. This is additional money, in fact, and the public has accepted it. One of the superintendents told me on our trip that people often want to give more. They say, "That is not enough," $2 to visit a park or $20 for a car load of people. They say, "We would like to contribute more." The same park people said that vandalism has been reduced because people become stakeholders. We can take pride in that.

We can take pride in the fact that as a Nation we commit almost $8 billion to programs for the Native Americans, not all in our bill, but across the board in many different bills.

Now, this has been a remarkable success story. I do not mention this in terms of just today, but I want to say it is there because of the leadership over the years of the gentleman from Illinois (Mr. YATES) and the gentleman from Pennsylvania (Mr. MCDADE). They are both going to leave the committee, and I think that is something we should note.

I could say a lot about the gentleman from Illinois (Mr. YATES) and his leadership. I have served 24 years with him. We have been partners, and as partners often will, we may have disagreed on policies, but never in a disagreeable way. He served on this committee for 48 years, 20 years as chairman.

Just to illustrate his leadership, I will give my colleagues a couple of instances. I remember the hearing on the National Endowment for the Arts when the gentleman brought in a group from Jessup, Iowa. Now, that is not exactly New York City; Jessup, Iowa is a pretty rural community. These young people came to our subcommittee and testified on how a string quartet had been sent there for a 6-month period, funded one-half by the National Endowment for the Arts, the other half by the local community. Obviously, this would not be a wealthy community, and yet they were willing to put up half the money to bring this cultural experience to their students. We had one of the students testify from Jessup about what an impact this grant, along with what his own community had spent, had made on the students in Jessup, Iowa.

The gentleman from Illinois (Mr. YATES) brought many examples such as this one during our period on the committee. Likewise, in terms of our natural resources, the redoing of the minerals management system was leadership that the gentleman provided. He really has truly lived and personified in his role on this subcommittee of the Indian saying, that we borrow this land from our children, and I know that he has always had a concern for it.

Likewise, the gentleman from Pennsylvania (Mr. MCDADE), who has been a member of this committee for 20 years. He always brought to the committee a desire to enhance the natural heritage that is a legacy for all of us and has given us wonderful service. We will miss these two individuals a great deal in terms of the subcommittee and the leadership they have provided over the years.

Also, we have had the thoughtful work of the gentleman from Colorado (Mr. SKAGGS), our friend who always brings to this committee intellectual curiosity. He always says, "is this the right thing to do?" and always I felt challenged as a chairman. Many times, after reflecting on what he had to say, I might disagree, but always he made a very good point in bringing a concern that he might have for some of the activities of our subcommittee.

Well, we could spend a lot of time on the three Members who have done so much to contribute to the strength of our committee and to the good work that it has done. The gentleman from Illinois (Mr. YATES), the gentleman from Pennsylvania (Mr. MCDADE), and the gentleman from Colorado (Mr. SKAGGS) will be missed from the committee's thoughtful deliberations.

Finally, I have some of charts, which will illustrate what we have done on the Native Americans. I think it outlines it very well. We do not have a lot of time to spend on the various activities of the bill.

□ 1245

I would say at the outset, we were given $14 billion-plus in budget authority and $13 billion-plus in outlays. We have tried to manage our resources carefully. In fact, we are spending $2 million less this year than last. And that in the face of enormous backlog maintenance problems, in the face of great needs to expand the programs within the parks.

One item I would like to mention is that we have included the money to complete the Appalachian Trail, and the gentleman from Illinois (Mr. YATES) has been a leader for many years. Here we have a trail that is over 2,000 miles long and, thanks to the gentleman's leadership and follow-up as my partner, our team effort, this will be the last payment in the Appalachian Trail which is one of the great resources of the trails program in this Nation, and it will be totally public in terms of its land access.

I want to mention the recreation fee program in more detail. We extend it for 2 years, because we have had great support from the public, from the park leadership. Over a 5-year period, it will provide $500 million which will be used to enhance the visitor experience and will be used to deal with some of the backlog maintenance problems.

In terms of management, we are changing the structure somewhat. We do not want any more Delaware Water Gap outhouse projects. I say that because it is debilitating to the public support for the parks. And, therefore, we need to manage the construction programs in a way that people have confidence in the continued leadership.

Thanks to Members on both sides of the aisle on the Forest Service issue, we have eliminated the Purchaser Road Credit. This was always a problem in the past. This year we will not have any amendments on Purchaser Road Credit, because we took it out.

I must say these things were something that, as the gentleman from Illinois (Mr. YATES) always called me "a partner," and I likewise call him a partner, and it is just that we have agreed on that for good management.

With regard to SPR oil, we are no longer going to create money. We are not going to go in and invade the SPR oil account and sell oil just to provide us some additional funding. And, of course, because of that, in part, we are funding this bill with a reduced amount of money.

The "crown jewels," the Grand Canyon, Yellowstone and Yosemite, are being protected. We are recognizing their needs. But also, I think in the Bureau of Land Management and the Forest Service, we recognize the potential there for recreation. I would urge all Members to see the section in the report dealing with recreation. This is a new section, and it is a recognition that there has been an explosion of recreation usage by the public.

We often think of the Forest Service in terms of America's lumber needs. But in reality, the Forest Service has the largest number of visitor days, and the reason being that they offer a wide variety of opportunities to hunt, fish, snowmobile, camp, bird watch, whatever the desire might be in the use of public lands. And they have 192 million acres in federal land.

I think we have tried to have a responsible harvesting of fiber in the national forests. About 20 percent of the lumber used in the Nation comes from the national forests. And so I think it is important that we manage this resource carefully. We have vastly reduced the cut. About 7 years ago, the allowable cut was 11 billion board feet. We have reduced it to 3.6 billion, because we recognize the public is concerned about the environmental impact of heavy cutting.

But I would point out that we are growing 20 billion board feet every year. So even though we might harvest 3 billion-plus board feet, we are getting an additional 17 billion added to the stock of our national forests.

So this is important as we talk about reducing CO_2. There is no better way to reduce CO_2 than to have a tree, because it takes in the CO_2, and gives off oxygen. And that is part of what the Kyoto Agreement is all about, to reduce CO_2. I think we need to continue the expansion of our national forests.

The BLM lands get very little attention, but they had 65 million visitor days last year. One-third of the Nation's coal supply comes from BLM

lands. That is from the public lands. Also, they preserve a lot of our recreation, natural historical and cultural resources, and they do have a very broad scope of land opportunities.

Something that I am very pleased to see happen is that our agencies are working together. The Bureau of Land Management and the Forest Service are consolidating their activities at the field level. They realize we all serve the same taxpayers, we all have the same mission, which is to preserve our public lands, and the public does not know whether this has a tag on it that says BLM or Forest Service. They just want this land to be taken care of.

In terms of saving money, this is terrific, I think, that they work together. And, likewise, the Department of Agriculture and Interior are coordinating their efforts on the Joint Fire Science Plan. This is good management, and it is good for the way in which we use our public lands.

Revenues, this is one of the few bills that produces revenues. Sale of the resources from our public lands totals about $8 billion. And that goes into the Treasury, helping defer the cost of providing the services that are part of our land usage.

I have mentioned the recreation fee program and we are getting a growing land usage. One of the things that we observed when we were visiting the parks this summer as a committee is the pressures that are growing for parking space, for traffic management, for the use of the facilities.

One of the things that we hope to address prospectively is ways in which we can better enhance the visitors' experience and avoid some of these problems of too many people loving their parks too much. We want to manage the parking problem. We want to manage the traffic problem so that the visitors can get the maximum amount of enjoyment out of their asset, the national public lands.

We looked at some of the construction needs of our parks. Housing is one that requires attention so that we can give the employees of the Park Service, the Forest Service, and the other land management agencies, an opportunity to live in a comfortable way.

We are changing the way in which we manage construction. Historically for the parks, the Denver Service Center has done this and their fees have come from overhead on the project. That does not provide a desirable accountability. So we are going to reduce the numbers of employees there.

We found that there are 500 people at Denver, whereas the other land management agencies have about 25 people each. We are putting them on-line, so that their budget will be part of the line-item budget and will have accountability for what they do.

These changes are the result of recommendations from the National Academy of Public Administration, who did an extensive oversight of the way in which we manage construction project. Again, this is an effort to stretch our dollars. Prospectively, we will require the Park Service to contract out 90 percent of construction projects to local architectural and engineering firms. Hopefully, we will get more efficient use of these construction dollars.

I mentioned the Purchaser Road Credit, we have eliminated it. But I want to point out also that we have include $91 million for road maintenance and decommissioning. That is to eliminate these roads which are of concern to people.

We put an increase of $6 million for road reconstruction and $93 million also as part of the road reconstruction program. This is an increase over last year, a statement that we recognize that these roads are important to the recreation user and we want them to be able to get in and out of the forest in a safe way. We only have $1 million for new roads and we provided $5 million for road obliteration. I think that is a positive direction in terms of those who are concerned about the environment.

Mr. Chairman, I mentioned about the amount of board feet that come out of the national forests, part of our resources, which allows us to reduce housing costs. In terms of fire, we heard discussion on the fire issue in the debate on the rule, but we had put in additional money for fire suppression and fire science so that we can deal with fire in the best possible way. There is a substantial amount of money left over from previous years, and I think we have very adequately taken care of our fire needs.

$2 million from the Department of Agriculture bill has been added to this bill to help with volunteer fire companies, recognizing that in communities where they have volunteer firefighting units, they need a little help, and they, in turn, can help the forestry people in dealing with fires. And we had $21.5 million in fire assistance to the States, places like Florida.

I think it should be pointed out that the Florida fires are pretty much on State lands, but nevertheless the Federal Government is helping as much as possible.

On Native Americans, I was disappointed in the administration's request. They reduced the amount on Indian Health Services and had we funded at the administration's level, only 25 percent of the Indian population would have dental services. This is from testimony from the American Dental Society.

We have tried to correct this gross inequity, and we have increased Indian Health Services by $147 million. And we have increased $50 million for facilities, clinics and so on and recognized our responsibility.

Some of you will remember some years ago we transferred the Biologic Resources Program to U.S. Geological Survey and I think they are doing a remarkably efficient job of providing science to all the land agencies. We tried to meet their budget needs, as well.

In Ecological Services of the Fish and Wildlife Service, we have included funding for the Endangered Species Act, to administer it. I hope the administration will come up with a bill to reauthorize the Endangered Species Act. It is not authorized. It needs reauthorization, and I would hope that we can get a bill from the administration, along with others that have offered bills, to deal with this problem because we have to just appropriate in light of the absence of an authorization program.

Energy programs. Obviously to meet the needs of the parks and the forests and the other agencies, we did cut back on the amount of funding in energy. And I might mention at this point that one of the things that we have emphasized in our programs is matching funds. We have said to those who want to have experimental programs in energy, for those who want to have other programs, "Okay, we will put up a dollar, but you have to put up a matching dollar from the private sector, or from a State, or whatever it might be." Therefore we have maximized considerably the amount money that we have had available to do energy programs.

Obviously, everyone who goes to the gas pump know that energy prices are relatively low. Part of this is the result of efficiency in the production of gasoline. I think the fact that we have low energy costs contributes very substantially to our strong economy.

We have to keep this success going. It is not a given. We are importing over half our petroleum. And, therefore, it is important that we maintain the SPR oil. And I think it is important that we maintain the programs that will give a more efficient use. I was struck by the fact that for every barrel that is extracted from wells, two barrels are left there. And if we can develop technology to get at least part of that extra two barrels, we will tremendously expand our domestic resources of petroleum.

Again, we have emphasized partnerships in these programs in terms of energy efficiency. We have increased energy efficiency funding 14 percent since 1996, and we recognize that energy efficiency is important in terms of using the resources to the best possible advantage.

In terms of weatherization, we have flat-funded it. The Federal Energy Management Program has got an increase because, again, this is a partnership that has been very effective in working with Federal agencies.

□ 1300

National Endowment for the Arts. We will have plenty of opportunity to debate the NEA later on, so I will not take time on it now, other than to say to all the Members that they will have an opportunity to vote up or down on whether they think it is a proper function of the United States Government to provide funding for the cultural heritage of this Nation, for the enhancement of it, for the expansion, for the education of young people in terms of what they have as a cultural heritage.

We will have that vote, and I will mention at that time the fact that we have changed the NEA. We have six Members of the Congress that serve on the Council. We put a cap on funds that can go to any one State. Forty percent of the funding goes for set-aside programs for State grants. We have reduced the administrative funds. We have established priorities for grants for education, particularly in music.

And I would point out also that the obscenity restrictions adopted in 1990 are still part of the law. The Supreme Court, most recently in the Finley decision, upheld these obscenity restrictions. And we have eliminated grants to individuals for seasonal support and subgranting.

I think I can say categorically that there will be no more Maplethorps; that there will not be a "Corpus Christi," as has been alleged. That cannot happen under the restrictions that we have put on the National Endowment for the Arts. And I think one of the Members on our side who has been appointed as one of the three appointees will have something to say on the functioning of this.

Very briefly I would like to highlight the cultural agencies. We have funded the Smithsonian. We have tried to address backlog maintenance as much as possible. But what I really find pleasing, and this is the result of our subcommittee members working together, is that our cultural agencies are expanding their outreach. Secretary Heyman, from the Smithsonian, testified that their web site gets over 12 million hits per month from all over the world. People are benefiting from the scientific research that is done there, and benefiting from the cultural dimensions of this institution.

In tribute to the gentleman from Illinois (Mr. YATES), the gentleman from Colorado (Mr. SKAGGS) and the gentleman from Pennsylvania (Mr. MCDADE) have all been strong proponents of these programs. This wonderful asset is more than an asset for the District of Columbia. It is a world asset because of the outreach that they are doing. Twelve million hits per month. Imagine how many lives and how many individuals are being touched by that. Twenty percent of these internet hits are from overseas.

Likewise, the Kennedy Center has developed an outreach program called the Millennium Stage. They provide a free performance each day in the Kennedy Center. I think it is at 6 o'clock in the evening. Because we forget that the Kennedy Center is more than just the opera house and the film institute. The Kennedy Center is a monument, in addition to other things. When people go there, most of them do not go to any performance, they go to just see the Kennedy Center. In fact, they wear out the carpeting with so many visitors, and we have to provide for that.

And, again, these are things that were brought about under the leadership of the gentleman from Illinois (Mr. YATES) much more than myself or others on this subcommittee.

Last year 130,000 visitors to this city, as well as people who live here locally, went to the free performances at the Millennium Stage, and at the anniversary in March, they had 10,000 people. I do not know how they got 10,000 people in that hallway for this Millennium program, but I think it is wonderful that these agencies are reaching out to the people all across the Nation. And I know they too have a web site where people can plug in.

The National Gallery of Art and the Holocaust Museum both offer extensive outreach programs, and, of course, the Holocaust Museum was directly there as a result of the leadership of the gentleman from Illinois. I guess when it is all said and done, we know he will be sorely missed because he has been such an important part of providing a legacy for future generations.

Over 23 million people receive services of the National Gallery's extension programs. They loaned over 150 different programs on the Gallery's permanent art collection. The Holocaust Museum has a traveling exhibition. They were in Canton, Ohio, recently, attracting an enormous crowd.

Canton, I might mention, is in the 16th District, and many of my colleagues already know about the Pro Football Hall of Fame, but we do have other things. We have a great art institute. We have a great symphony. We have a lot of strong cultural enrichment programs.

The Holocaust Museum brought "The Nazi Olympics: Berlin 1936," to Canton. People came from all over Ohio and even from other States to view this exhibit. The Holocaust Museum has four traveling exhibits going around the Nation telling the story to remind people of how important the message is.

This is a good bill. It is fair. We had input from every member of the subcommittee. We had the leadership of the gentleman from Illinois and other Members on the minority side. We had the challenges of the gentleman from Colorado (Mr. SKAGGS). The gentleman from Washington (Mr. DICKS), did yeoman's service in solving the problem of the timber and the purchaser road credit so we do not have that issue this year. On balance, I would urge the Members to support this bill.

And let me just close again with a quote from our Native American friends. This is repetitious but it bears repeating: "We do not inherit this land from our ancestors. We borrow it from our children." And I want to say that the members of our subcommittee live that every day as we deal with the challenges of this committee. This truly is a bill in which we can take pride in America.

At this point I would like to submit a table detailing the various accounts in the bill.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4193)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	582,082,000	660,310,000	596,425,000	+14,343,000	-63,885,000
Wildland fire management	280,103,000	298,353,000	286,895,000	+6,792,000	-11,458,000
Central hazardous materials fund	12,000,000	10,000,000	10,000,000	-2,000,000	.....
Construction	5,091,000	4,175,000	6,975,000	+1,884,000	+2,800,000
Payments in lieu of taxes	120,000,000	120,000,000	120,000,000	.....	.....
Land acquisition	11,200,000	15,000,000	10,000,000	-1,200,000	-5,000,000
Oregon and California grant lands	98,906,000	98,966,000	98,407,000	-499,000	-559,000
Range improvements (indefinite)	9,113,000	10,000,000	10,000,000	+887,000	.....
Service charges, deposits, & forfeitures (indefinite)	8,706,000	8,055,000	8,055,000	-651,000	.....
Miscellaneous trust funds (indefinite)	8,800,000	8,800,000	8,800,000	.....	.....
Total, Bureau of Land Management	1,136,001,000	1,233,659,000	1,155,557,000	+19,556,000	-78,102,000
United States Fish and Wildlife Service					
Resource management	594,592,000	675,828,000	607,106,000	+12,514,000	-68,722,000
Construction	76,636,000	37,000,000	66,100,000	-10,536,000	+29,100,000
Land acquisition	62,632,000	60,500,000	30,000,000	-32,632,000	-30,500,000
Cooperative endangered species conservation fund	14,000,000	17,000,000	15,000,000	+1,000,000	-2,000,000
National wildlife refuge fund	10,779,000	10,000,000	10,779,000	.....	+779,000
North American wetlands conservation fund	11,700,000	14,700,000	12,700,000	+1,000,000	-2,000,000
Wildlife conservation and appreciation fund	800,000	800,000	800,000	.....	.....
Multinational species conservation fund	1,400,000	2,400,000	2,400,000	+1,000,000	.....
Total, United States Fish and Wildlife Service	772,539,000	818,228,000	744,885,000	-27,654,000	-73,343,000
National Park Service					
Operation of the national park system	1,234,004,000	1,320,828,000	1,333,328,000	+99,324,000	+12,500,000
National recreation and preservation	44,259,000	46,575,000	41,939,000	-2,320,000	-4,636,000
Historic preservation fund	40,812,000	100,612,000	40,812,000	.....	-59,800,000
Construction	222,769,000	175,000,000	149,000,000	-73,769,000	-26,000,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	.....	.....
Land acquisition and state assistance	143,290,000	138,087,000	69,000,000	-74,290,000	-69,087,000
Urban park and recreation fund	.....	2,000,000	.....	.....	-2,000,000
Total, National Park Service (net)	1,655,134,000	1,753,102,000	1,604,079,000	-51,055,000	-149,023,000
United States Geological Survey					
Surveys, investigations, and research	760,358,000	806,883,000	774,838,000	+14,480,000	-32,045,000
Minerals Management Service					
Royalty and offshore minerals management	144,196,000	222,402,000	216,402,000	+72,206,000	-6,000,000
Additions to receipts	.....	-100,000,000	-100,000,000	-100,000,000	.....
Oil spill research	6,118,000	6,118,000	6,118,000	.....	.....
Total, Minerals Management Service	150,314,000	128,520,000	122,520,000	-27,794,000	-6,000,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	94,937,000	93,265,000	93,074,000	-1,863,000	-191,000
Receipts from performance bond forfeitures (indefinite)	500,000	275,000	275,000	-225,000	.....
Subtotal	95,437,000	93,540,000	93,349,000	-2,088,000	-191,000
Abandoned mine reclamation fund (definite, trust fund)	177,624,000	183,416,000	185,416,000	+7,792,000	+2,000,000
(By transfer)	(3,163,000)	.....	.....	(-3,163,000)	.....
Total, Office of Surface Mining Reclamation and Enforcement	273,061,000	276,956,000	278,765,000	+5,704,000	+1,809,000
Bureau of Indian Affairs					
Operation of Indian programs	1,529,638,000	1,638,681,000	1,558,425,000	+28,787,000	-80,256,000
Construction	125,279,000	152,054,000	121,695,000	-3,584,000	-30,359,000
Indian land and water claim settlements and miscellaneous payments to Indians	43,352,000	38,396,000	28,396,000	-14,956,000	-10,000,000
Indian guaranteed loan program account	5,000,000	5,005,000	5,001,000	+1,000	-4,000
(Limitation on guaranteed loans)	(34,615,000)	(59,682,000)	(59,682,000)	(+25,067,000)	.....
Indian land consolidation pilot	.....	10,000,000	.....	.....	-10,000,000
Total, Bureau of Indian Affairs	1,703,269,000	1,844,136,000	1,713,517,000	+10,248,000	-130,619,000
Departmental Offices					
Insular Affairs:					
Assistance to Territories	39,794,000	38,555,000	38,455,000	-1,339,000	-100,000
Northern Marianas Islands Covenant	27,720,000	27,720,000	27,720,000	.....	.....
Subtotal, Assistance to Territories	67,514,000	66,275,000	66,175,000	-1,339,000	-100,000
Compact of Free Association	8,545,000	8,445,000	8,545,000	.....	+100,000
Mandatory payments	12,000,000	12,000,000	12,000,000	.....	.....
Subtotal, Compact of Free Association	20,545,000	20,445,000	20,545,000	.....	+100,000
Total, Insular Affairs	88,059,000	86,720,000	86,720,000	-1,339,000	.....
Departmental management	58,286,000	60,871,000	58,286,000	.....	-2,585,000
Office of the Solicitor	35,443,000	37,304,000	37,304,000	+1,861,000	.....

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4193)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Office of Inspector General	24,500,000	25,684,000	24,499,000	-1,000	-1,185,000
National Indian Gaming Commission	1,000,000			-1,000,000	
Office of Special Trustee for American Indians	38,557,000	42,000,000	39,499,000	+942,000	-2,501,000
Natural resource damage assessment fund	4,228,000	8,100,000	4,492,000	+264,000	-3,608,000
Total, Departmental Offices	250,073,000	260,679,000	250,800,000	+727,000	-9,879,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	6,700,749,000	7,122,163,000	6,844,961,000	-55,788,000	-477,202,000
Appropriations	(6,730,749,000)	(7,152,163,000)	(6,674,961,000)	(-55,788,000)	(-477,202,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)		
(Limitation on guaranteed loans)	(34,615,000)	(59,682,000)	(59,682,000)	(+25,067,000)	
(By transfer)	(3,163,000)			(-3,163,000)	
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	187,796,000	198,122,000	197,444,000	+9,648,000	-678,000
State and private forestry	209,178,000	162,900,000	156,167,000	-53,011,000	-6,733,000
National forest system	1,357,744,000	1,417,708,000	1,298,421,000	-59,323,000	-119,287,000
Wildland fire management	566,559,000	554,437,000	564,737,000	-21,822,000	+10,300,000
Emergency appropriations		102,000,000			-102,000,000
Reconstruction and construction	166,015,000	160,914,000	271,444,000	+105,429,000	+110,530,000
Land acquisition	52,976,000	56,057,000	30,000,000	-22,976,000	-26,057,000
Acquisition of lands for national forests special acts	1,069,000	1,069,000	1,069,000		
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000		
Range betterment fund (indefinite)	3,811,000	3,300,000	3,300,000	-511,000	
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000		
Midewin national tallgrass prairie restoration fund	100,000			-100,000	
Total, Forest Service	2,565,550,000	2,656,809,000	2,522,884,000	-42,666,000	-133,925,000
DEPARTMENT OF ENERGY					
Clean coal technology:					
Rescission	-101,000,000			+101,000,000	
Deferral		-40,000,000			+40,000,000
Subtotal	-101,000,000	-40,000,000		+101,000,000	+40,000,000
Fossil energy research and development	362,403,000	383,408,000	320,558,000	-41,845,000	-62,850,000
Alternative fuels production (indefinite)	-1,500,000	-1,300,000	-1,300,000	+200,000	
Naval petroleum and oil shale reserves	107,000,000	22,500,000	14,000,000	-93,000,000	-8,500,000
Energy conservation	611,723,000	808,500,000	630,250,000	+18,527,000	-178,250,000
Economic regulation	2,725,000	1,801,000	1,801,000	-924,000	
Strategic petroleum reserve	207,500,000	160,120,000	160,120,000	-47,380,000	
(By transfer)	(207,500,000)			(-207,500,000)	
Energy Information Administration	66,800,000	70,500,000	68,000,000	+1,200,000	-2,500,000
Elk Hills school lands fund		36,000,000			-36,000,000
Total, Department of Energy:					
New budget (obligational) authority (net)	1,255,651,000	1,441,529,000	1,193,429,000	-62,222,000	-248,100,000
Appropriations	(1,356,651,000)	(1,481,529,000)	(1,193,429,000)	(-163,222,000)	(-288,100,000)
Rescission	(-101,000,000)			(+101,000,000)	
Deferral		(-40,000,000)			(+40,000,000)
(By transfer)	(207,500,000)			(-207,500,000)	
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,841,174,000	1,843,873,000	1,932,953,000	+91,779,000	+89,080,000
Indian health facilities	257,538,000	274,476,000	313,175,000	+55,637,000	+38,699,000
Total, Indian Health Service	2,098,712,000	2,118,349,000	2,246,128,000	+147,416,000	+127,779,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	15,000,000	15,000,000	13,000,000	-2,000,000	-2,000,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	4,250,000	3,188,000		-4,250,000	-3,188,000
Smithsonian Institution					
Salaries and expenses	333,408,000	357,300,000	346,449,000	+13,041,000	-10,851,000
Construction and improvements, National Zoological Park	3,850,000	4,500,000	4,500,000	+650,000	
Repair and restoration of buildings	32,000,000	40,000,000	44,500,000	+12,500,000	+4,500,000
Construction	33,000,000	18,000,000	2,000,000	-31,000,000	-16,000,000
Total, Smithsonian Institution	402,258,000	419,800,000	397,449,000	-4,809,000	-22,351,000
National Gallery of Art					
Salaries and expenses	55,837,000	57,938,000	57,938,000	+2,101,000	
Repair, restoration and renovation of buildings	6,192,000	6,311,000	6,311,000	+119,000	
Total, National Gallery of Art	62,029,000	64,249,000	64,249,000	+2,220,000	

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4193)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	11,375,000	13,000,000	12,187,000	+812,000	-813,000
Construction	9,000,000	20,000,000	9,000,000		-11,000,000
Total, John F. Kennedy Center for the Performing Arts	20,375,000	33,000,000	21,187,000	+812,000	-11,813,000
Woodrow Wilson International Center for Scholars					
Salaries and expenses	5,840,000	6,040,000	5,840,000		-200,000
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	81,240,000	120,500,000	81,240,000		-39,260,000
Matching grants	16,760,000	15,500,000	16,760,000		+1,260,000
Total, National Endowment for the Arts	98,000,000	136,000,000	98,000,000		-38,000,000
National Endowment for the Humanities					
Grants and administration	96,800,000	122,000,000	96,800,000		-25,200,000
Matching grants	13,900,000	14,000,000	13,900,000		-100,000
Total, National Endowment for the Humanities	110,700,000	136,000,000	110,700,000		-25,300,000
Institute of Museum and Library Services/ Office of Museum Services					
Grants and administration	23,280,000	26,000,000	23,405,000	+125,000	-2,595,000
Total, National Foundation on the Arts and the Humanities	231,980,000	298,000,000	232,105,000	+125,000	-65,895,000
Commission of Fine Arts					
Salaries and expenses	907,000	898,000	898,000	-9,000	
National Capital Arts and Cultural Affairs					
Grants	7,000,000	7,500,000	7,000,000		-500,000
Advisory Council on Historic Preservation					
Salaries and expenses	2,745,000	3,000,000	2,800,000	+55,000	-200,000
National Capital Planning Commission					
Salaries and expenses	5,740,000	6,212,000	5,954,000	+214,000	-258,000
United States Holocaust Memorial Council					
Holocaust Memorial Council	31,707,000	32,607,000	31,707,000		-900,000
Presidio Trust					
Presidio trust fund		39,913,000	39,913,000	+39,913,000	
Total, title II, related agencies:					
New budget (obligational) authority (net)	6,709,744,000	7,146,094,000	6,784,543,000	+74,799,000	-361,551,000
Appropriations	(6,810,744,000)	(7,084,094,000)	(6,784,543,000)	(-26,201,000)	(-299,551,000)
Emergency appropriations		(102,000,000)			(-102,000,000)
Rescission	(-101,000,000)			(+101,000,000)	
Deferral		(-40,000,000)			(+40,000,000)
(By transfer)	(207,500,000)			(-207,500,000)	
TITLE V - PRIORITY FEDERAL LAND ACQUISITIONS AND EXCHANGES					
Priority land acquisitions and exchanges	699,000,000			-699,000,000	
Grand total:					
New budget (obligational) authority (net)	14,109,493,000	14,268,257,000	13,429,504,000	-679,989,000	-838,753,000
Appropriations	(14,240,493,000)	(14,236,257,000)	(13,459,504,000)	(-780,989,000)	(-776,753,000)
Emergency appropriations		(102,000,000)			(-102,000,000)
Rescissions	(-131,000,000)	(-30,000,000)	(-30,000,000)	(+101,000,000)	
Deferral		(-40,000,000)			(+40,000,000)
(Limitation on guaranteed loans)	(34,615,000)	(59,682,000)	(59,682,000)	(+25,067,000)	
(By transfer)	(210,663,000)			(-210,663,000)	
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	1,136,001,000	1,233,659,000	1,155,557,000	+19,556,000	-78,102,000
United States Fish and Wildlife Service	772,539,000	818,228,000	744,885,000	-27,654,000	-73,343,000
National Park Service	1,655,134,000	1,753,102,000	1,604,079,000	-51,055,000	-149,023,000
United States Geological Survey	760,358,000	806,883,000	774,838,000	+14,480,000	-32,045,000
Minerals Management Service	150,314,000	128,520,000	122,520,000	-27,794,000	-6,000,000
Office of Surface Mining Reclamation and Enforcement	273,061,000	276,956,000	278,765,000	+5,704,000	+1,809,000
Bureau of Indian Affairs	1,703,269,000	1,844,136,000	1,713,517,000	+10,248,000	-130,619,000
Departmental Offices	250,073,000	260,679,000	250,800,000	+727,000	-9,879,000
Total, Title I - Department of the Interior	6,700,749,000	7,122,163,000	6,644,961,000	-55,788,000	-477,202,000
TITLE II - RELATED AGENCIES					
Forest Service	2,565,550,000	2,656,809,000	2,522,884,000	-42,666,000	-133,925,000
Department of Energy	1,255,651,000	1,441,529,000	1,193,429,000	-62,222,000	-248,100,000
Indian Health Service	2,098,712,000	2,118,349,000	2,246,128,000	+147,416,000	+127,779,000
Office of Navajo and Hopi Indian Relocation	15,000,000	15,000,000	13,000,000	-2,000,000	-2,000,000
Institute of American Indian and Alaska Native Culture and Arts Development	4,250,000	3,188,000		-4,250,000	-3,188,000
Smithsonian Institution	402,258,000	419,800,000	397,449,000	-4,809,000	-22,351,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4193)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
National Gallery of Art	62,029,000	64,249,000	64,249,000	+2,220,000	.....
John F. Kennedy Center for the Performing Arts	20,375,000	33,000,000	21,187,000	+812,000	-11,813,000
Woodrow Wilson International Center for Scholars	5,840,000	6,040,000	5,840,000	.....	-200,000
National Endowment for the Arts	98,000,000	136,000,000	98,000,000	.....	-38,000,000
National Endowment for the Humanities	110,700,000	136,000,000	110,700,000	.....	-25,300,000
Institute of Museum and Library Services	23,280,000	26,000,000	23,405,000	+125,000	-2,595,000
Commission of Fine Arts	907,000	898,000	898,000	-9,000	.....
National Capital Arts and Cultural Affairs	7,000,000	7,500,000	7,000,000	.....	-500,000
Advisory Council on Historic Preservation	2,745,000	3,000,000	2,800,000	+55,000	-200,000
National Capital Planning Commission	5,740,000	6,212,000	5,954,000	+214,000	-258,000
Holocaust Memorial Council	31,707,000	32,607,000	31,707,000	.....	-900,000
Presidio Trust	.....	39,913,000	39,913,000	+39,913,000	.....
Total, Title II - Related Agencies	6,709,744,000	7,146,094,000	6,784,543,000	+74,799,000	-361,551,000
TITLE V - PRIORITY FEDERAL LAND ACQUISITIONS AND EXCHANGES					
Priority land acquisitions and exchanges	699,000,000	.....	.....	-699,000,000	.....
Grand total	14,109,493,000	14,268,257,000	13,429,504,000	-679,989,000	-838,753,000

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

Mr. Chairman, once again we are here to consider the Interior appropriations bill, for fiscal year 1999. I have come before this House many times to present the Interior bill, for a number of years as chairman of the Subcommittee on Interior of the Committee on Appropriations, and for the past several years as the ranking member. However, this time it is a little different, because it is the last time that I will take the floor on behalf of the Interior bill.

I want to say that I have been on the subcommittee, I would guess, for about 30 or 32 years, and I was chairman for about 20 years during that time. So much for term limits, Mr. Chairman.

I was asked by a reporter whether I favored term limits, and I told him I did not favor a constitutional amendment for term limits, except perhaps if I could designate the number of terms that a Member might be limited to 24 terms. And that, Mr. Chairman, is about what I will have at the conclusion of this session of the Congress.

And it has been a happy time, Mr. Chairman, over all the years. It has been happy because of the character and quality of the Members of the House of Representatives. I think when I first came down here there were three women who were Members of the House, one Democrat and two Republican Members. One was from Ohio, from Cleveland. I forget her name. Perhaps the chairman would remember it. And there was another lady from New York.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think the woman the gentleman was thinking of was Frances Bolton.

Mr. YATES. Yes. Her son Oliver subsequently became a Member of the House when she retired. I thank the gentleman for reminding me of that.

I do not know how many women Members there are of the House at the present time, but I think there must be about 50. And I believe that the House has made and the country has made progress in that respect, because I consider that the women Members are among the ablest Members of the House and they make a real contribution.

I think the speech that the gentlewoman from Connecticut (Mrs. JOHNSON) made last week on female contraceptives was one of the great speeches I have heard during my career in the House of Representatives. And I am pleased that if the Republicans want to follow the rule that the Committee on Rules voted out, that they had the good sense to select the gentlewoman from Connecticut to offer the funding for the NEA amendment, because I think she is so eminently qualified in so many respects.

The gentleman from Ohio (Mr. RALPH REGULA), what can I say about the current chairman? His eloquence, of course, was just made visible when he presented the bill. He and I have been thinking alike since he became a member of this subcommittee. When I was chairman, I considered the gentleman, and I have told him so, as cochairman of the Subcommittee on Interior, and we brought the bill to the floor in that spirit.

We had our differences, and those are represented, of course, in the bills that have come up since he became chairman. He and I differ on omitting the funds for NEA. And over the years when I was chairman, I would talk to the gentleman about his interest in the arts.

I think basically he is a lover of the arts. I do not think there is any doubt about it. He takes such pride in the Canton Symphony, and I think that extends even to the point that he goes to see the Cleveland Symphony on occasion. I remember that even on one occasion he went to New York and was a guest at the Metropolitan Opera, he and my good friend the gentleman from Pennsylvania (Mr. JACK MURTHA), who is also a member of the subcommittee.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. The gentleman is a very persuasive teacher.

Mr. YATES. I thank the gentleman very much.

I remember the line from Gilbert and Sullivan. Does the gentleman remember it? I think it was from "Patience." "If you are looking for to shine in a transcendental line, as a man of culture rare." And the rest of the song goes on. I think the gentleman is almost qualified for that right now.

Certainly he is qualified to handle this bill, not only for the cultural aspects of it, which I think are, indeed, a most important part of the bill, but as well for the natural resources part of the bill, because he has really developed all these programs and made his presence felt. And it has been a good presence, it has been a fine presence, because the gentleman has the great qualifications of mind and of instinct that are so necessary in a good chairman.

I want to commend also the other members of the Subcommittee on Interior, who are really outstanding members of this House. It was a pleasure to serve with them and to work with them, particularly the gentleman from Pennsylvania (Mr. JOE MCDADE), who joins me in retirement this year. The House will surely miss him because he has been an outstanding chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations.

I will vote for the Johnson amendment as it takes shape later in the bill, after one of the opponents of NEA funding will have taken the floor to make a point of order against the bill. I think we can bet that is going to happen.

□ 1315

I am sorry that the Committee on Rules did not support the amendment by the gentleman from Wisconsin (Mr. OBEY).

I call the gentleman from Wisconsin (Mr. OBEY) who loves the arts, who is a great lover of music, a legislative maestro. I think he is a legislative maestro because he has such a keen interest in the legislation. And I cannot think of what the Committee on Appropriations would be like without the great strengths that he possessed as chairman of the committee and now possess as ranking member. His service to the House and to the country has been outstanding.

I can understand his great interest in the milk price legislation, coming from Wisconsin as he does, but I am not sure I always understood the purport of that legislation as it came to the floor and traveled through the House.

I leave the gentleman from Wisconsin (Mr. OBEY) with a great sense of loss, because he and I have been such great friends through the years, both on and off the committee. And I will say that about every member of the committee.

The gentleman from Colorado (Mr. SKAGGS) I think is an outstanding constitutional expert. His touch was always present in connection with the legislation as we came forward. He was always a gentleman and he took onto himself, along with the gentleman from Illinois (Mr. LAHOOD), the indomitable task, the practically impossible task of trying to bring the Members of the House together as brothers and sisters. I think perhaps he has succeeded to a far greater extent than seems apparent, because I think the sense of camaraderie in the House has in some measure overcome what I have felt was a cloud of partisanship that has seized the House on occasion.

At any rate, I have been ruminating, Mr. Chairman, and I am sorry that I have taken the time to try to express a few feelings on this occasion. I have not given the gentleman from Pennsylvania (Mr. MURTHA) all the credit that he deserves. I think he is one of the great Members of the House in being able to bring people together. And I surely have not said the nice things I should be saying about the Republican members of our committee, who are very, very able members and good people. It was a pleasure to work with them.

I want to return for a few seconds to NEA. We have received letters from opponents of NEA. And I notice, Mr.

Chairman, that contrary to what I thought was the agreement that the gentleman from Ohio (Mr. REGULA) and I had, there will be an amendment offered by the gentleman from New Jersey (Mr. PAPPAS), I am told. And I have a copy of it, which reads as follows:

The amounts otherwise provided by this act are revised by increasing the amount for land acquisition and state assistance under the heading National Park Service to provide the funds for State assistance programs and reducing the amounts for grants administration under the National Endowment for the Arts by $50 million.

Of course, that is not nickel-and-diming, as some of the amendments would have, but this is a major program cut, and I would hope that the chairman would stand by his agreement and oppose the Pappas amendment.

Mr. Chairman, the names go first. We always make a mistake when we try to specify people. I momentarily forgot the gentleman from Washington (Mr. DICKS).

I do want to laud my colleague for his service to the committee, as I should. But as Justice Leonard Hand said, the names go first. Then he said the knees go. Then he said the nouns go. And then we go.

At any rate, I want to close by acknowledging the great friendship that the gentleman from Washington (Mr. DICKS) and I have had over the years and his many, many contributions not only in the field of national defense but in the Interior bill.

Because of time limitations, I have not covered a number of the items I wanted to cover. But with that, Mr. Chairman, I say thank you, thank you to the Members of the House for the privilege of having associated with them over the years, and those who have come and those who have gone.

It was a very, very wonderful experience. Public service is a great vocation. I do not understand why anybody would impose term limits, as they try to do in various parts of the country. Public service is a great tradition and a great opportunity to serve the public, and I am very grateful for having had that opportunity.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I rise to especially congratulate the chairman, the gentleman from Ohio (Mr. REGULA) for the fine work that he has done here on behalf of the Delaware Water Gap National Recreation Area Service and the Denver Service Center and the reforms that are written into this bill. It is a major accomplishment.

Mr. Chairman, I greatly appreciate your willingness to work with me to secure funds for projects on the New Jersey side of the Delaware Water Gap National Recreation Area and the Wallkill River National Wildlife Refuge. These will bring greater use and expand the opportunities for all people who use these park facilities.

As you know, Congressman JOSEPH MCDADE and I share in the benefits of one of the most beautiful recreation areas in the country, the Delaware Water Gap National Recreation Area (DWGNRA). Unfortunately, recent media reports have highlighted the National Park Service's expenditure of $800,000, waste if not fraud, for a single restroom facility at the Ramondskill Falls site on the Pennsylvania side of the Delaware Water Gap.

I know we agree that there was simply no justification for this scandalous squandering of taxpayer dollars. I am proud to have worked with Chairman REGULA to include provisions in this bill that are designed to put an end to the scandalous waste in the National Park Service.

This bill includes major reforms for the National Park Service's Denver Service Center. The Denver Service Center is an arm of the National Park Service which assists all regions with planning and support. A recent report commissioned by Chairman REGULA proved that the Denver Service Center is inefficient and wasteful of taxpayer dollars. There is little accountability for the costs of the projects it designs and little, if any, oversight of the design and construction process. Rather than creating standardized designs that would be expected of a central design office, the DSC needlessly reinvents the wheel over and over again.

The reforms included in this bill make sense. First the DSC will be required to adopt standard practices common to the private sector and other government agencies. Second, they will be required to consult outside experts and give more control to local park superintendents. Finally, the DSC must cut its staff in half and contract out 90 percent of construction projects to local architectural and engineering firms.

Despite the problems with the Denver Service Center and the $800,000 toilet, there are many worthwhile projects in the DWGNRA that should be funded. In the past, New Jersey has not gotten its fair share of the money for projects in the Delaware Water Gap. I had hoped that the Committee would agree to divide the money for Delaware Water Gap on a more equitable basis between New Jersey and Pennsylvania. However, I do appreciate the $300,000 included in this bill for much needed maintenance work on the New Jersey side of the Delaware Water Gap.

I was disappointed that we were unable to include funding for the rehabilitation of the Depew Recreation Site and money for the long-awaited Weygadt Visitors Center. Unfortunately, we still do not have a formal boat ramp on the New Jersey side, and many of the New Jersey recreation sites do not have modern restroom facilities. Chairman REGULA has agreed to work with me as this bill moves through the legislative process to see if we can secure additional funds to address these fundamental needs on the New Jersey side of the Delaware Water Gap. Delaware Water Gap is a national treasure, not just a Pennsylvania treasure.

Finally, I want to thank you for, once again, recognizing the significance of our wildlife refuges and specifically the Wallkill River National Wildlife Refuge by including $1 million to ensure the future preservation of the valuable resource.

Since its establishment, the refuge has received appropriations through your subcommittee to begin protecting the most critical habitat within its borders, especially along the Wallkill River itself. Funding has allowed for the acquisition of undeveloped frontage along the Wallkill River, as well as riparian wetlands, meadows and upland areas, all of which support large populations of numerous wildlife. In addition to enhancing habitat protection, acquisition of additional property enhances the refuge's effort to open up to the public. The natural resources found at the refuge lend themselves to environmental education programs that would benefit local school districts as well as other visitors to the refuge. By ensuring that a large manageable block of critical habitat is created at the refuge, acquisition of willing-seller lands will significantly enhance the refuge's programmatic goals and help bring the refuge closer to the public.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY) the very distinguished legislative maestro.

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

At a later point, I will make the appropriate comments concerning my own views of the shortcomings of this bill and the administration's views of the shortcomings of this bill. For a moment, I would simply like to say something about our good friend the gentleman from the great State of Illinois (SID YATES).

As everyone understands, he came to this House in 1948. And were it not for the fact that he ran for the Senate and lost by 1 percent and so had 2 years of interrupted service before he returned to this body, were it not for that fact, he would be recognized as the Dean of the House today.

He has served this House with extraordinary skills on at least two subcommittees. Since the beginning of the Marshall Plan, he has been involved in foreign policy. SID was one of the Members here who helped shape the Marshall Plan in its early years. And also, on the Foreign Operations Subcommittee, he gave a lifetime of effort to assure the national security of the State of Israel. He recognized that the United States, having been a party to the creation of that country, that we had undertaken a long-term obligation to defend the security of that country, and he has done so with fervor and grace in all the years that he has been a Member of this Congress.

At home he has been a champion of civil liberties. He has understood that the Constitution's most important provision is that it guarantees citizens the right to be wrong; it even guarantees Members of Congress the right to be wrong. And I can think of few Members whose passion for individual liberty and whose passion for constitutional rights have been more fervent.

I would also say that more than any Member I have known, SID has been a champion of what he felt to be sensible budget priorities, almost without exception putting the needs of regular working people, putting the needs of education, putting the needs of health care, putting the needs of the environment before the needs of wasteful weapons systems or aid to foreign dictators or other provisions of money that did not as well reflect our national values.

He has served this subcommittee as Chair for 20 years, and in the last two Congresses as ranking Democratic member; and in that time there has been no greater defender of the public interest in terms of protecting the environment, in terms of protecting public lands, in terms of recognizing our obligations to Native American tribes.

And he also has, in my view, been the single best debater I have ever seen in the years I have been in this House. He has stood for a decent and just society. And in connection with this bill, most of all, he has been the quintessential champion of Federal support for and funding for the arts and humanities, recognizing that even with their occasional faults those programs make a great contribution to giving society the grace notes that make this society a little better and a little more human society in which individuals can function.

So I am grateful for the years of service he has provided here, as we all are, and we wish him Godspeed in his retirement.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Colorado (Mr. SKAGGS) who will join me in retirement at the conclusion of this Congress and whose loss will be felt very deeply by the House and by the country.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman from Illinois (Mr. YATES) both for the yielding of time and his kind thoughts.

I want to begin by expressing my respect and affection for our chairman, the gentleman from Ohio (Mr. REGULA), and my appreciation for all the consideration he has given to me and all the members of the subcommittee in putting the bill together, and thanks and appreciation to staff on both sides as well. It has been a great pleasure and privilege to have worked with everybody associated with this subcommittee.

But I, too, wish primarily to say a word or two about SID YATES. I was 5 years old when SID came to Congress, and I wish I knew then how much I should have appreciated what he was already doing for this country. There are many issues that come before us in which I think each Member yearns for a special eloquence to be able to express how they feel. But, we love you, SID.

□ 1330

Mr. YATES. Mr. Chairman, if the gentleman will yield, I join him in the expression of friendship that he has exhibited. I will not go beyond that because I will probably react the same way the gentleman did.

Mr. SKAGGS. Trying to regain my composure, and I thank the gentleman for interrupting me, perhaps just a couple of quantitative observations will capture how we are blessed and graced with the gentleman from Illinois being really an example of living history among us.

While commenting on the fact that he has graced the planet for 40 percent of the existence of the Republic may make him feel old, he is indomitably young at heart. He has served this country in Congress for nearly 25 percent of the Congresses of the United States. And so we applaud and cherish the gentleman from Illinois and his service to this place.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time. I want to start by thanking the gentleman from Ohio again for his great cooperation and support on a whole host of issues that are beneficial to the Pacific Northwest, the region of the country that I have the honor of representing. I also want to congratulate the staff. This staff is one of the very best. I appreciate the fact that they work with all the members of the committee on both sides of the aisle. That is a good standard.

Mr. Chairman, I, too, want to say a few words about the gentleman from Illinois. We have had a few differences of opinion over the years. The gentleman from Wisconsin talks about his great debating skills going back to the days of Eddie Boland. I had the misfortune at that time to be the assistant for Senator Magnuson of the other body at the time who was the great author of the SST. So the gentleman from Illinois' great eloquence cost us dearly because ultimately he won. But I will say this. The day after that great victory for the gentleman from Illinois and Senator Proxmire from the gentleman from Wisconsin's home State, a senior member of the Boeing Company came in and said, "Those two guys saved the company because if we had built the SST, we would have been in deep trouble."

So the gentleman's judgment was good. It was correct, and I have learned a great deal from him. Our styles are probably, some people would say, completely different. But I would say to a young political science student, if you want to have a history of somebody who has been what I consider the best subcommittee chairman I have ever seen in this House, it was the gentleman from Illinois. He was fair to every witness that came before our committee and respected the individuals that came before the committee and treated them with dignity.

Also he had tremendous passion and concern for the issues, such as the National Endowment for the Arts. He and I have been on this floor defending the Endowment over the last 20 years. What has happened is we would have the greatest hearings in our committee on the Endowment, and one day I got a call from the gentleman from Illinois. He said, "I need you to cover me this afternoon on the hearing for the Endowment for the Arts." He forgot to tell me it was the opposition to the Endowment for the Arts. So I had to come in and be the acting subcommittee chairman. There were quite a list of very interesting individuals. The gentleman was good at handing things off when he did not particularly want to have to listen to all these people who were in opposition.

But the main thing is that I think he has left behind on our committee a whole series of members who have had the ability to see him and how he handles situations, and I think it has built a camaraderie on the Interior subcommittee. I agree with our chairman, this is a committee where we care about the culture of our country, we care about the natural resources, we care about the tribes, and the gentleman from Illinois has been the real glue on our committee. We are going to miss him. He has done a great job for the country and a great job for the Interior subcommittee.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding me this time. I hope the gentleman from Illinois will allow me to pay my tribute to him by speaking in support of something that he has fought for his whole career and, that is, full funding for the National Endowment for the Arts. We must allow the Endowment to continue its exercise of national leadership towards our goal of making the Nation's artistic resources available to all.

A civilized society as the gentleman from Illinois has taught us for many years must include art and cultural enrichment, and I believe it is one of the responsibilities of government to support that aspect of our civilization. We simply cannot rely exclusively on the good will of a few private individuals to fund the arts. It is impractical and unreasonable to expect a single city or an individual State to support the national availability of important cultural resources. It is the duty of all of us.

The NEA can act to sustain and increase funding for the arts by providing incentive funding to other government levels. I see it in my own city of San Diego. I see it around the country. NEA

helps to build alliances between the arts and related interests such as community revitalization, downtown development and historical preservation. That is what is occurring in San Diego. It is occurring all over this Nation.

The collaboration of NEA with other agencies to contribute to national goals is paramount. Ultimately, Mr. Chairman, as the gentleman from Illinois has taught us again, we are judged by the heritage we leave our children. I hope we leave them more than soap operas and talk shows, attack submarines and assault rifles, gangs and drugs. By supporting the NEA, we ensure that the arts will continue to be here helping to build our economy and trade opportunities, helping to keep our youth from misbehavior, helping to increase public awareness and understanding of culture, not just for those with money, not just for the elite but for all of us. I thank the gentleman from Illinois for keeping this inspiration alive for so many years for all of us to keep it going.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time. I want to concur with the gentleman from California (Mr. FILNER) on his comments on the NEA to say I hope to speak on that shortly when it comes up, but I want to take this opportunity to join my colleagues in paying tribute to the gentleman from Illinois.

One of the things that has not really been emphasized in the long career that the gentleman from Illinois has had in this House is his steadfast stewardship over the trust responsibility that this government has to our Native Americans, our first Americans. Whenever issues came up with respect to this government fulfilling its obligations to provide for our Native Americans, the gentleman from Illinois was there, long before others ever stood on behalf of Native Americans. I think for those of us today who are carrying on the fight, we need to look no further for an example of what kind of person we need to emulate than the gentleman from Illinois when it comes to standing up for our Native Americans.

Finally, Mr. Chairman, many people have remarked about how long the gentleman from Illinois has served in this esteemed body. I would like to say for me it gives me a great deal of pleasure to serve with such a titan of legislators like the gentleman from Illinois given the fact that he served in this House of Representatives with my uncle, John F. Kennedy, when he was a Member of the United States Congress in 1948. To think that I would have the opportunity to serve with someone who served with President Kennedy in the House of Representatives is truly something that I will always cherish and remember.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Illinois.

Mr. YATES. I will tell the gentleman that he is carrying on the great tradition of his uncle and of his father.

Mr. KENNEDY of Rhode Island. I thank the gentleman very much.

Mr. RAHALL. Mr. Chairman, the pending legislation proposes $7.8 million for the Abandoned Mine Reclamation Program and I commend the gentleman from Ohio, RALPH REGULA, for seeking to accommodate the request I and others have made in this matter.

Indeed, this year I spearheaded a Coalfield Jobs, Environmental Justice and Trust Campaign to increase appropriations from the Abandoned Mine Reclamation Fund.

This is a trust fund with about $266 million a year in receipts and a balance approaching $1.5 billion. Yet, during this decade, appropriations for State Reclamation Grants have averaged only $140 million a year.

The purpose of the Abandoned Mine Reclamation Program, obviously, is not to collect fees assessed on coal production so they can sit idle in a government trust fund.

Rather, it is to make these funds available for the reclamation of abandoned coal mine lands thereby mitigating health, safety and environmental threats to coalfield citizens while creating jobs and bringing these lands back to productive uses.

Joining me in the effort to liberate a greater amount of the reclamation funds this year are the Associated General Contractors of America, the United Mine Workers and the Citizens Coal Council.

With that stated, I do want to express concern over bill language included in this appropriation measure that would authorize $7 million from the balance of interest earned on the Fund for the Appalachian Clean Streams Initiative.

There is more than a sufficient unappropriated balance in the Federal share of the Fund to provide for this $7 million appropriation without tampering with the accrued interest.

Specifically, interest payments to the Fund are reserved, in part, for transfer payments to the United Mine Workers Combined Fund. In light of a recent Supreme Court decision, I am loath to see any diversion of these interest payments to new endeavors.

While I had contemplated offering an amendment on this matter, in light of the great degree of cooperation Chairman REGULA has shown on the Abandoned Mine Reclamation Program this year I would rather work with him and his Senate counterparts to address this issue during conference.

Mr. SENSENBRENNER. Mr. Chairman, H.R. 4193, the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1999, includes funding for the Department of Energy's (DOE's) Clean Coal Technology, Fossil Energy and the Energy Conservation Research and Development programs.

Without the benefit of the increased revenues from a non-existent tobacco settlement, and notwithstanding the very tight budget caps, the Appropriations Committee has maintained or increased spending on important energy research and development programs.

I am particularly pleased that the Committee has included report language directing the DOE to address in its FY 2000 budget, the House Science Committee's recommendation in H.R. 1277, the Civilian Energy Research and Development Act of 1997, with respect to peer-reviewed, cost-shared research.

I also want to express my strong support for the bill's report language prohibiting any funds from being used to implement the Kyoto Protocol. This language is consistent with the Administration's assurances that Senate ratification must precede actions to implement the Kyoto Protocol. Given the obvious problems with this unfunded, unsigned, and unratified Protocol, such a limitation is essential and timely.

Mr. MORAN of Virginia. Mr. Chairman, I want to thank the Chairman of the Committee, Congressman RALPH REGULA, for putting this bill together and conducting the business of this subcommittee in a spirit of bipartisanship and cooperation. I know that his interest is ensuring that, within current budget allocations, programs are funded in a way to help protect our environment and preserve our natural resources. It has also been a distinct privilege to serve on this committee with our distinguished ranking member, Congressman SIDNEY YATES. His passion for the things in which he believes, including the National Endowment of the Arts, is a testament to what a man of principle can do through the force of his convictions. It is truly by the force of his intellect, and in many instances, the strength of his wit, that the NEA has survived attack after attack through all of these years.

As a member of this subcommittee, I will miss SID YATES, and the spirited debate, as well as humor, he injects into our hearings. As an individual with tremendous respect for this institution and those who have served in it, I can think of no better example of selfless dedication and commitment to public service embodied in SID YATES. This institution is a reflection of those who serve in it. Congressman YATES brings an air of dignity, of civility, of goodwill to this body that is in short supply. We will be weaker for his loss, but hope that we can attempt to live up to the high standards he has set for individual leadership and conduct in this body.

Mr. Chairman, this bill is the primary funding mechanism for our nation's natural resources. Together, the four primary land management agencies funded under this bill—the National Park Service, the U.S. Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management—manage approximately 628 million acres of public land. Our nation's commitment to protection of animals, plants and mineral resources is largely carried out through this bill. In addition, our commitment to Native Americans is carried out through funding of the Indian Health Services and the Bureau of Indian Affairs. Finally, research to improve our energy efficiency, and identify better renewable energy sources, are also included in this bill.

While I clearly support certain funding priorities included in this bill, I remain concerned about others. This bill contains only $139 million of the $900 million authorized funding for

the Land and Water Conservation Fund, with no funding for state matching grants. As the primary funding source for conserving our natural resources, protecting open space, and enhancing recreation opportunities, this fund should be a priority in our federal budget. I know that amendments will be offered to increase funding for the LWCF and I believe they deserve serious consideration.

Mr. SKAGGS and Mr. FOX will offer an amendment to increase funding for energy efficiency programs. Despite the success of these programs in conserving energy and saving money, the bill includes damaging cuts for building technology, the Federal energy management program, and transportation, among other programs. The amendment helps to restore funds to these important programs that actually result in cost savings, through reduced energy bills, and environmental protection through decreased energy use. I support this amendment and hope it will be approved.

In addition, I remain concerned about providing appropriate funding to support recreation activities on our public lands. The total economic benefit to the economy from outdoor recreation exceeds $100 billion and includes more than 2.5 million jobs. Yet, the funding we pour into our forest system, for example, is tilted largely in favor of timber production, rather than conservation. While the agreement to end the purchaser road credit is an important step in reducing the dominance of money losing timber programs, it is only one program among many that deserve scrutiny and reconsideration. Currently, only one percent of the forest service budget is spent on watershed restoration and compared to the economic investment generated, a very small portion of the budget is spent on recreation.

Congresswoman FURSE will offer an amendment that would redirect more Forest Service funds to watershed improvements and recreation management. This is an important amendment and it should be approved.

In addition, Mr. Chairman, I am concerned about some of the legislative provisions that have been added to this bill. I offered an amendment at full committee which was accepted by Chairman REGULA to reduce the size of the road through the Chugach National Forest that was authorized in this bill. While I appreciate the Chairman for accepting this language, it would be even better if this language were not in the bill at all because it circumvents an ongoing process between the stakeholders to determine the best location for the road. In addition, I am concerned that this bill may allow for new road construction on the Tongass National Forest and allows the use of K–V funds for administrative overhead expenses, which encourages timber salvage activities on federal lands. I hope that these issues can be addressed as we move toward conference in this bill.

In addition, I hope that the wisdom of the Chairman in not including certain damaging provisions in this bill will maintain through conference. The Administration has already threatened a veto of several provisions included in the Senate version which are, thankfully, not included in this bill. The Interior Appropriations bill should not be used as a vehicle for failed ideas and proposals that did not have enough support to pass out of the authorizing committee.

Mr. Chairman, putting a bill together of this scope and magnitude is a tremendous task. I want to thank Chairman REGULA, Mr. YATES and the committee staff for the important work they have done in putting this bill together and hope that we can continue to work to ensure that we have a bill that has the support of Congress and this administration.

Mr. VENTO. Mr. Chairman, I want to acknowledge the work of the members of this subcommittee today led by Chairman REGULA, who throughout his service has been a conscientious worker on the substance of these Interior Appropriations.

Without question, the principal advocate for this measure has been SIDNEY YATES, a member who will complete his service of 48 years in Congress this year, one of the longest and most able members of the House—who has set the standards and positive temperament in which this measure has been shaped and the key programs that it funds. We will miss him. But SID YATES has made a big difference and an indelible positive mark on these key programs. He indeed has given generously and without reserve to this service. We should also acknowledge JOSEPH MCDADE, a long time in service as a ranking member and key participant regarding the topics before this subcommittee, again retiring. He will be missed.

Nevertheless, Mr. Chairman, I rise with significant concerns regarding the substance, funding and policy embraced in this 1999 Interior Appropriations bill. This provides 3% less funding than the 1998 measure, and that translates into less funding for many of America's most well-known and revered assets: our national parks, forests and public lands. This means that construction of needed facilities and partnerships will not be accomplished, and that key land parcels that will become available will not be purchased, and inholdings and problems will occur, depreciating these key land parcels.

One good measure continued is the fee demonstration program in the absence of authorization and limited funds. This helps in numerous ways to augment the shortfall of funding. Numerous measures are included, which hamstring the land management agencies and the implementation of policy based upon professional land management practices and solid study and science in which it is rooted. Hopefully, the amendments to reject these limits where it is possible to change these appropriation riders will be positively acted upon.

I am also interested in the curtailment of the timber roads policy, the timber road credits, that has been included in this measure and the emphasis upon road closure and maintenance; this is positive and much-needed, and I hope to be able to vote for additional limits on timber roads. I'm concerned about the projected 3.6 billion board foot target number included in the measure. The tendency to include legislated numbers or quotas for timber harvest have had the effect historically of distorting the use and mission of our national forests and result in the loss of the forest and taxpayer dollars.

Timber harvest should be left to the varied management plans and process, rather than attempting to superimpose a political judgment upon our nation's forest eco-systems.

While this rule for consideration of this measure has attempted to make a virtue of what is and isn't authorized this measure has gone to extraordinary lengths to permit repeated votes on pet projects and protect others from votes and help to special interests—all at the expense to our natural resources, parks, wilderness and the legacy of future generations, such as the Chugach Road, which mandates a twenty-six mile long, 250-foot-wide easement through an Alaska wilderness and spurns the current negotiations to resolve this matter. And proceeds with this road notwithstanding the result.

Mr. Chairman, the reduced role of the N.P.S. Denver Service Office is being advanced as a panacea, as if it alone were responsible for the high cost of construction, and of some celebrated projects like the Delaware Water Gap "outhouse." The fact is when we look behind these projects, we will find in many instances the U.S. Congress as advocate, not the N.P.S. Denver Service Office who was cast to do the bidding of those in public office.

The Denver Service Office has been a whipping post for a lot of projects that have been costly, and perhaps the employment of some private sector incentives and professionals will help, but this will bear close oversight to be certain as to quality and standards which today have been the prerequisite for the N.P.S. will be attained.

Mr. Chairman, I support the moratoria included in this measure on patenting of new mining claims, which literally provide for the give-away of our public land to special interests, often fragmenting the ecosystems and undercutting logical management of our public lands, and the moratoria on further leasing of the oil and gas leases on the U.S. Outer Continental Shelf (OCS). Congress needs to address these long-term problems with law, not these yearly moratoria. But until we have permanent policy, these actions and moratoria are essential.

I am certainly concerned that the appropriation process has been focused in numerous measures to undercut the Kyoto agreement, a treaty which hasn't even been voted upon. The purpose in these bills appears to prevent objective scientific research, monitoring and analysis, to in essence interfere with the nonpartisan attainment of facts to stop the progress to disarm the advocates of such a needed global agreement. This effort is improved and reflects badly on this Congress. We need such information and work now more than ever.

Mr. Chairman, finally, no doubt today this chamber will ring with arguments against funding the National Endowment for the Arts. Interestingly enough, one argument offered by those opposed to funding is how insignificant the federal commitment is. At less than one percent of the total $9 billion spent on the arts in America—and less than one hundredth of one percent of our total federal budget—they argue the money won't be missed. They try to minimize the action and effort to cut and its adverse impact.

Since the NEA figures are relatively small, I can understand some of the temptation to minimize the NEA's importance. The NEA works as the catalyst in each state, providing cultural activity throughout the nation. Nonprofit arts organizations depend on a partnership of multiple sources for funding. Private

funding sources are more willing to match funding when a federal commitment is present. When the federal commitment backs out, often private funding dries up.

The arts are important to Americans. In my home state of Minnesota, one million children were served by non-profit arts organizations last year. In 1994, by investing $255 million of total arts spending by Minnesota arts organizations, we saw a $900 million economic impact in our communities, both rural and urban. Only about $5 million of that money came from the NEA, but the message was clear that the federal commitment was there as the foundation and endorsement of state, local and non-profit participation.

Money from the NEA enables organizations to provide services that would otherwise not exist. It is important to communities without a philanthropic or corporate funding base for cultural activities. The less visible arts such as a "poet in residence" in a small town or visiting a school are greatly empowered by the NEA. Since NEA funding to Minnesota was cut in half in 1996, many small and mid-sized organizations are not receiving funding—and unfortunately none in rural areas.

In 1996, all NEA funding for a program in St. Paul called COMPAS was cut. COMPAS is an organization that sponsors hands-on arts activities that strengthen communities and individuals through creative self-expression. Their program includes Writers and Artists in the Schools, arts projects at Battered Women's Shelters, urban neighborhood arts projects, and programs to support creative expression among the elderly through writing, just to name a few. These programs stimulate important parts of the brain and provide tools for better communication skills in special needs populations. According to COMPAS, getting money from the NEA is like a Good Housekeeping seal of approval—it validates their function so they can secure other funding sources. Without the NEA funding, other prospects for funding are actually diminished—not enhanced as some NEA critics maintain!

Many may not realize that the NEA sponsors grants to Public Radio International. Prairie Home Companion, the weekly radio broadcast out of my hometown in St. Paul, was started through funding from the NEA. Top-notch, world-class arts organizations like the Minnesota Orchestra, the St. Paul Chamber Orchestra, the Minnesota Opera and the Guthrie Theater suffered serious setbacks from 1996 NEA funding cuts. And many may not realize that the Fourth of July celebration on the Mall here in Washington was entirely sponsored by the NEA. Half a million people won't hear the Blues & Roots show and the National Symphony next year if NEA funding is eliminated.

Successful programs today that are proven may achieve alternative funding and be commercially viable, but what about the nourishment for tomorrow's American creativity that would be lost without NEA funding? It's time to recognize some of the ways so many Americans will be affected if this small amount of money is defunded. What some portray as a negligible amount is one of America's most profitable investments in itself. The NEA is a great bargain at $0.36 per person, both culturally and economically, with immeasurable returns. I urge my colleagues to vote in support of the NEA and to reject the bogus argument to defund the NEA.

Mr. NUSSLE. Mr. Chairman, I would like to commend Chairman REGULA and his colleagues on the Appropriations committee on their efforts to prepare this appropriations bill.

While the Subcommittee was not able to fund this project, I wanted to take this opportunity to draw everyone's attention to the efforts going on to provide an interpretive center for the Upper Mississippi. The Upper Mississippi River is a national treasure because of its unique ecological and historical value which is shared by no other part of the world. An interpretive center would allow visitors to explore the social, economic and environmental history of the Upper Mississippi in an integrated and compelling way. This truly is a great American venture which would benefit the entire nation and provide an educational and cultural base for future generations. There currently is no other project or facility along the Upper Mississippi River which celebrates this rare heritage.

On March 3 of this year, Mayor Terry Duggan, Jerry Enzler, Teri Goodmann and other Mississippi River Museum officials testified before your Subcommittee about their efforts to create a world-class interpretive center that will provide visitors a unique view of the Mississippi River. I commend the entire Mississippi River Museum staff and all of the many people in Iowa, along the Mississippi and around the country for all their hard work and efforts for this noble project.

The other body of this Congress has decided to provide funding for this project at a level of $1.2 million. As the appropriations process continues, I hope the benefits of the Upper Mississippi River National Wildlife and Fish Refuge Interpretative Center will be fully considered.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendments printed in part 1 of House Report 105–637 are adopted.

If an unprotected provision is stricken on a point of order, the Committee of the Whole shall immediately consider the amendment printed in part 2 of that report, if offered by the gentlewoman from Connecticut (Mrs. JOHNSON) or her designee. That amendment shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The amendment printed in part 3 of the report may be offered only by the gentleman from Alaska (Mr. YOUNG) or his designee, may be offered only at the appropriate point in the reading of the bill, shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she 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.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so only to make clear to the House what the concerns are of the administration as we move into the consideration of this bill. The Statement of Administration Policy indicates that on the committee bill as modified by the rule and associated motion, if it were presented to the President, the President's senior advisers would recommend that he veto the bill at this point.

They do so for a number of reasons. First of all, they obviously object to the rule which has put at risk the funding for the arts. Secondly, they object to the shortchanging of a variety of programs in the jurisdiction of this bill because of the inadequate allocation to the subcommittee which results in a serious shortfall of funds in a number of key programs. They specifically object to, for instance, the fact that funds are reduced by more than half of the $270 million administration request for the Land and Water Conservation Fund. They object to the fact that there is provided no funding for the millennium program protecting artifacts of our national heritage. They object to the fact that the bill denies most of the requested $128 million increase for Interior and the Forest Service to implement the Clean Water Action Plan. They object to the lack of adequate funding to deal with the Year 2000 computer problem. And they object to a number of legislative riders in the bill, as well, as they affect various environmental programs.

□ 1345

They also object to the fact that the administration's requested increase in energy conservation for development of technologies to improve industrial transportation and building efficiencies and to reduce carbon emissions are also significantly reduced.

So I would simply say, as we move into this debate, this bill has a long

way to go before it reaches a condition in which it would receive a Presidential signature. I think the committee needs to recognize that point today.

I would also question the earmarking of several projects in this House that are a very low priority given the very deep reductions that were made in the overall accounts in which those same projects are found.

It seems to me that, for a variety of reasons, this bill, at this point, despite the best efforts of the chairman of the subcommittee, the bill is not in the condition at this point that it would receive a Presidential signature. I urge the House to correct that as it moves through the process if it wants to avoid yet another appropriations bill which seems to be headed for a confrontation with the White House rather than a compromise.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

I just want to comment in response to the gentleman from Wisconsin (Mr. OBEY) and the points that he makes. We have increased the Everglades restoration effort up to $20 million. Park Operations are up $99 million, which is the administration's request. The Bureau of Land Management is up $20 million. These are all increases. BIA tribal priority allocations are up $14 million. The National Wildlife Refuge account is up $18 million. This is all over last year's bill. BIA education and law enforcement, $20 million. In the Indian Health Services, where the administration was requesting less than last year, we have increased it $147 million. We have fully funded wildland fire fighting.

I think the steps that we have taken in management with the Denver Service Center will allow us to have additional funds in the future for construction.

So I am simply saying it may not be perfect by some definitions, but we have made a lot of very substantial increases and improvements over management in the past years.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we ran out of time in the general debate, because I wanted to lend my words of respect and admiration to not only our chairman of our subcommittee, who has done such a wonderful job of putting this bill together, but certainly the gentleman from Illinois (Mr. YATES) for all of his service and humor and wisdom in our subcommittee.

But, also, I think the fact that he made the statement that the members of the subcommittee are of high character and quality is personified, not only in him, but in the chairman of our committee as well as the gentleman from Washington (Mr. DICKS), and the gentleman from Wisconsin (Mr. OBEY), and other Members on our side, especially the gentleman from Colorado (Mr. SKAGGS), who worked so hard on the Democrat side to make this committee a success.

Mr. Chairman, I do support this bill. It is a good bill, crafted well. When many Americans think of the natural beauty of our country, they think of the area as managed by the agencies funded by this bill, our national parks, our forests, our monuments, our cultural treasures. The bill also provides funding for Native Americans through the Bureau of Indian Affairs and the Indian Health Service.

I am pleased that our chairman, along with our subcommittee, have made Native American health a priority in this bill. The lowest life expectancies in this country exist among Indian populations, and they are the lowest of any nation in this hemisphere except Haiti.

Despite the President's emphasis on health care, this is an area that was miserably overlooked in the President's request to Congress. He really shortchanged the Indian population and their health needs. The Indian Health Service received the lowest funding increase in the Department of Health and Human Services budget request at less than 1 percent, while the overall funding request for HHS averaged a 7 percent increase.

In the area of diabetes, the chairman has included language tightening reporting requirements for Native American tribes receiving funds for diabetes prevention and treatment to monitor the usage and effectiveness of the program. Also in the bill is $1 million for an innovative diabetes program to be administered by the Joslin Diabetes Center, a leading center in diabetes research in our country.

I also want to bring Members' attention to the provisions in the bill addressing the Interior Columbia Basin Ecosystem Management Project. There may be an amendment to modify or strike the provisions contained in this bill through the subcommittee and then again through the full committee.

This project started as a simple scientific assessment of the public lands in eastern Washington and Oregon. Once begun, it took on a life of its own. This occurred back in 1994. Money was inserted into the Interior bill without authorization.

And 4 years later, now, we have spent at least $40 million on the planning process of ecosystem management, whatever that really means to whoever wants to define it, and there is no end in sight.

The implementation, according to the agencies involved, would cost upwards of $125 million a year for 10 years. That is not possible in this bill. It will not be possible over the next 10 years.

The language in the bill brings this unauthorized regional planning process, and that is really what it is, back down to the local level where managers better understand the capabilities and the challenges facing the land in a particular area. The administration has objected to this concept. If they would come forward in a constructive manner, I, speaking for myself only, would be willing to work with the administration on appropriate language. But I cannot support the imposition of a one-size-fits-all standards on our forests and BLM districts from northern Nevada to western Montana.

So I hope that the Members in this body will take particular care to look into the Interior Columbia Basin Ecosystem Management Project itself, understand what those of us in the West face regarding ecosystem management, and support the committee's version of this particular provision.

I also encourage my colleagues to support this bill and approve of all of the provisions within it, because it is a finely balanced and finely tuned bill.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of an amendment that will be offered in a few minutes to provide full funding for the National Endowment for the Arts at the level of $98.5 million and urge my colleagues to join me in casting an important vote in support of the Nation's arts programs.

As a member of the Subcommittee on Interior of the Committee on Appropriations for 22 years, I have been privileged to work closely with my distinguished colleague, the gentleman from Illinois (Mr. YATES) and other supporters over the years to ensure the survival of the National Endowment for the Arts.

The National Endowment for the Arts is a critical institution for our Nation. This important organization has served as a catalyst for the expansion of arts institutions throughout our Nation. The NEA is responsible for building the cultural infrastructure of our country. Over the last 30 years, the NEA has nurtured a healthy infrastructure of cultural institutions in order to better serve the unique needs of each community.

In 30 years, the number of State arts councils increased from 5 to 56, the number of local arts councils grew from 600 to 3,800, the number of orchestras increased from 110 to 230, the number of nonprofit theater companies increased from 56 to 425, the number of dance companies grew from 37 to 450, and the number of operas grew from 27 to 120.

Since its creation in 1965, the NEA has awarded over 100,000 grants, and less than 40 have been considered to be controversial. It is estimated that the endowment cost each American just 64 cents a year. However, with this modest investment, the agency helps enhance the quality of life for all of our citizens.

I really think, when you analyze this, you see that the Endowment has been a catalyst. It has helped spread the arts all over this country. Instead of attacking it, we should be applauding it for a job well done.

I want to compliment both the gentleman from Illinois (Mr. YATES) and also the gentleman from Ohio (Mr. REGULA), our chairman, for the work that they have done to try to fashion a way for the House to be able to work its will on this issue.

I just feel so strongly. In my own State of Washington, to see all of the various arts institutions grow and develop with small seed money from the NEA has really been something that I am proud of and I think everyone from our State is proud of. So I would like to see the money left in under the Obey amendment, but if that does not occur then we certainly want to support the gentlewoman from Connecticut (Mrs. JOHNSON) when she offers an amendment to restore the money.

It is certainly, in my judgment, one of the high priorities for this bill.

I rise in support of the amendment to provide full funding for the National Endowment for the Arts (NEA) at the level of $98.5 million, and urge my colleagues to join me in casting an important vote in support of our nation's arts programs.

As a Member of the Interior Appropriations Subcommittee, I have been privileged to work closely with my distinguished colleague SIDNEY YATES, and other supporters over the years to ensure the survival of the National Endowment for the Arts (NEA).

The National Endowment for the Arts (NEA) is a critical institution for our nation. This important organization has served as a catalyst for the expansion of arts institutions throughout our nation. The NEA is responsible for building the cultural infrastructure of our country. Over the last 30 years, the NEA has nurtured a healthy infrastructure of cultural institutions in order to better serve the unique needs of each community. In 30 years, the number of state arts councils increased from 5 to 56; the number of local arts councils grew from 600 to 3,800; the number of orchestras increased from 110 to 230; the number of nonprofit theatre companies increased from 56 to 425; the number of dance companies grew from 37 to 450; and the number of opera companies grew from 27 to 120.

Since its creation in 1965, the NEA has awarded over 100,000 grants and less than 40 have been considered to be very controversial. It is estimated that the Endowment costs each American just 64 cents a year. However, with this modest investment, the agency helps enhance the quality of life for our citizens, by supporting theaters, touring dance companies, folk festivals, arts education, orchestras, museums, and a wide variety of other programs.

Many widely acclaimed programs began with the talent of individuals who had received seed money from the NEA, and many rural areas of our nation would not be able to enjoy arts programs without outreach by the Endowment.

We must recognize that the small investment made by the federal government in funding the NEA creates tremendous leverage in obtaining private investment. For every dollar spent by the Endowment, it attracts $11 in investment from the private sector. In fact, many private sector contributors rely heavily on the NEA's grant selection process as a guide to the kinds of programs that should be supported.

Endowment support has helped to increase audience support for all art forms. For example, the annual audience for professional dance has grown from one million to more than 16 million over the past 28 years. Audiences for the work of professional opera companies have grown to over 7.6 million, compared to only 5 million a decade ago.

Non-profit theaters serve an audience that has grown to over 20 million. Symphony performance attendance has risen to over 27 million annually. All of this has occurred with seed support from the NEA.

Also, support for the arts is support for the economy. The NEA's modest budget has annually generated matching funds estimated at over $1.2 billion. These monies permeate the economy. At least 1.3 million full time jobs are supported by the arts; $25.2 billion is earned through salaries, wages, and entrepreneurial income; local governments receive $790 million in taxes and fees; state governments receive $1.2 billion; and the Federal government receives $3.4 billion in income tax revenue.

It is clear that the outreach and support granted by the NEA to the arts has an incredible ripple effect throughout our economy, and restricting or eliminating the NEA's ability to perform that outreach would be both economically and culturally devastating.

In my home state of Washington, many arts and cultural institutions have benefited from NEA grants, including: Tacoma's Broadway Theater, the Pacific Northwest Ballet, the Seattle Art Museum, the Spokane Symphony, and the Seattle Childrens Theater.

Throughout the nation, the National Endowment for the Arts (NEA) is serving the interests of the American people. It is important for our future, and it should continue to receive the support of Congress. Let's do what's right for the nation, and vote for the amendment to restore funding to the NEA.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this bill and I want to particularly congratulate the gentleman from Ohio (Mr. REGULA), the chairman, for the excellent balancing act he has accomplished, although a few more changes will need to be made and we are going to address the National Endowment for the Arts very shortly.

I am especially pleased that the bill eliminates the Purchaser Road Credit program. That is a major environmental victory. We were able to accomplish that with the help of our Western colleagues. We worked together. We reasoned together. This shows that when people sit down and reason together and try to work things out, we can actually make some serious progress.

The Purchaser Road Credit is being eliminated as part of an agreement under which Easterners and Westerners agreed to forgo other changes to amend the bill. That is a fair deal, and I urge my colleagues to support it.

There are some timber amendments that fall outside the agreement, those concerning the Chugach and the K–V Fund, and I urge my colleagues to support those amendments.

I also want to clarify language we agreed to have in the bill that enables the Forest Service to use the Roads and Timber Trails Fund for some new purposes. This could be a great plus for the environment if the Forest Service uses this money for true forest health projects as section 334 requires.

We will be watching very closely to see that this section is not violated by using the funds for salvage logging or road building.

Turning to the National Endowment for the Arts, this is something we go over time and time again. I think it is a sad commentary that we have to engage in this debate yet once again. We have already made NEA selection criteria more stringent. We have already limited grants to individual artists. We have already reduced NEA funding to about half of its peak level, and I think that is cutting too much but the will of the House has to be worked.

Yet even though we have addressed every legitimate concern raised by NEA opponents, and some that were not as legitimate, they are still hell bent on destroying an agency whose programs educate and enrich the lives of Americans in all regions and in all walks of life.

I simply do not understand it. I look at what NEA has done in my district in upstate New York, a rural area. We have the world class Glimmerglass Opera. It gets support. We have small county organizations like the Chenango County Council for the Arts doing magnificent work to introduce youngsters in their formative years to the arts.

It helps schools bring in a wide variety of arts programs. It enables our small cities to support symphonies and museums, all designed to enrich their lives. I do not see anything wrong with that. As a matter of fact, I think that is exactly what we should be supporting. These are institutions that would have a difficult time surviving without the small contributions that they receive from the NEA.

I think the Federal Government ought to undertake these sorts of legitimate activities through which the American public working collectively can enrich our culture in a way that is difficult for individuals working alone.

So I urge my colleagues to support the Johnson amendment. It is well thought out. It is well reasoned and it is good for this bill and it is good for America.

Finally, just let me say that this Member, along with so many of my colleagues, will miss the gentleman from

Illinois (Mr. YATES) when he is not here in the next Congress. I hope I am. The gentleman from Illinois (Mr. YATES) has been a tower of strength. He has been a person that you can talk to who will listen to you. He has just done so much for so many for so long and he will be sorely missed.

I thank the gentleman from Illinois (Mr. YATES) for serving America so well.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentlewoman from Texas.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Rhode Island for his kindness.

I rise for two particular reasons, and that is to support the National Endowment for the Arts and the National Endowment for the Humanities. It is a sad story that the amendment offered by the Democrats could not have been left in, that provided the $98.5 million, and that we will be subjected to a point of order of which then the Johnson amendment will hopefully be offered and supported to provide for the Endowment for the Arts.

But I would say that the American people stand alongside of those of us who enthusiastically continue to support the National Endowment for the Arts and Humanities. In fact, for every dollar the NEA invests in communities, there is a 20-fold return in jobs, services and contracts, and corporate America believes it is important to have a public-private partnership.

In Houston, Texas, the symphony, the opera, the ballet, all of my indigenous and community-based arts groups stand alongside of support. I hope we do not have to go through these shenanigans again, and I hope we vote enthusiastically for supporting the arts again for $98.5 million.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I want to join those who have already stood in support of the National Endowment for the Arts. It has been spoken to in many instances already, but let me say, for our State of Rhode Island, this is an issue of particular importance, because we are very proud in Rhode Island that our former Senator, Claiborne Pell, was amongst the champions of NEA when he first got here to the Congress in 1960 and, with the help of my uncle, President Kennedy, was able to fashion the National Endowment of the Arts early on. And what a success it has been.

In my State of Rhode Island, we have a program called Arts Talk that focuses on dropouts in our schools. We have found students in the Vo-Tech schools, who have no exposure to the arts, are able to get exposure through the programs like Arts Talk, which expand the arts to people that do not ordinarily have access to the arts.

What this has done is, it has helped awaken their imaginations, helped them have a better self-image, because in many instances they learn about their own cultural heritage expressions within the arts. In addition to that, they may find some inherent talent in their own being that will allow them to express themselves through the arts, either by playing an instrument, acting in a play or painting a picture.

These things may sound esoteric to us, but I can tell you in Rhode Island they have had a marked impact on helping reduce juvenile delinquency in the schools. We have actually seen students that we have paired up with this program have a greater attendance in the schools, because they feel good about what they are doing.

Mr. Chairman, I think this is a program that really does not just meet the eye with respect to the arts. The implications of this program go well beyond just the immediacy of having our young people exposed to the arts.

I would ask my colleagues to keep this in mind when we have the point of order on the Obey language which will strike it and, therefore, strike the $98 million for NEA; and I would hope we support the amendment of the gentlewoman from Connecticut (Mrs. JOHNSON) to restore that funding, because I think it is so critical for our future generations to build their self-esteem and sense of self, which is so powerfully done through the arts.

Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA) for the work that he has done on this bill and on two other issues related in this bill, the Blackstone Valley Heritage Quarter and the support he gave Indian health services, which I must say was drastically underfunded, but thanks to the work that the chairman and the committee members provided, we are going to see an increase in Indian health services, which is something that I think we should all applaud.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to also associate my words with the words about the gentleman from Ohio (Chairman REGULA) and this bill being a good bill, and also with the distinguished gentleman from Illinois (Mr. YATES). Though we have opposed each other on many issues, the gentleman from Illinois (Mr. YATES) reminds me of the gentleman from Kentucky, Mr. Natcher.

One time when the gentleman from Wisconsin (Mr. OBEY) was on the floor and I was mad as a hornet, Mr. Natcher, being from Kentucky, who was in the majority at the time and in control of the bill and, with me, fuming right there at that microphone, said "Mr. CUNNINGHAM," he said, "I am from Kentucky and we have race horses. Quite often they come out of the block so fast that they break their legs, and we then have to shoot them. If you will settle down, I will help you pass your amendment." So I got the word of the then-chairman, Mr. Natcher.

But I would say that I am proud of what the Republican majority has done with the balanced budget, welfare reform, and tax relief for working families, and I am proud of this bill.

I have a potential sadness with this bill, in the fact that in 1995, on the Interior appropriations bill and the rule, the Republican Party was at an impasse. There was a group that wanted to increase the funding for the NEA and there was a group that wanted to strike the funding for the NEA. The result would have been that we would have lost that rule and the other side of the aisle would have taken over that rule and written it as they saw fit.

So then the majority leader, the gentleman from Texas (Mr. ARMEY), got the Republicans of both groups in a room for 4 hours and we came to an agreement. That agreement was that we would continue to fund the National Endowment for the Arts for a certain period of time.

Then the problem was that they could not use the funding within the year and they would lose that amount of funding, so we agreed to let them keep it so they could establish a true endowment that would fund the NEA, and we also promised to work for a tax break where you could give to the arts and get an additional tax break.

That was a word and that was a bond. My view of a principles of your word is that if I give, say, the gentleman from Washington (Mr. DICKS) my word, I would fall on my sword before I would break that word, unless I came to the gentleman from Washington (Mr. DICKS) and looked him in the eye and said, I cannot follow that because of these reasons, and let him respond.

But once an agreement had been executed, like the National Endowment for the Arts agreement, you cannot come back on your word.

I would ask the committee, many Members feel very strongly on both sides of this issue. That is fine, and they have fought for that. But the agreement was not just to reduce the NEA, it was not just to compel it to follow certain rules; it was, after the agreement, to eliminate it from the taxpayers, and Joe Six-pack would not have to pay for the NEA, but it could become its own endowment.

I would ask this House and those Members that signed and agreed, I was in the room, you can spin it any way that you want. I am not talking about the Democrats, they were not part of this agreement, I am talking about my own party.

You can spin it any way you want. I was in the room, I know the agreement, I know the acknowledgment, and I know how it was carried out. My potential sadness is that that word would be broken in this amendment.

Mr. Chairman, I ask my colleagues to live up to their word and vote against the Johnson amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I understand the gentleman, but I would point out, we came to the floor of the House from the committee with zero funding 3 years in a row; 1997 and 1998 and this year would have been zero had there not been an amendment in the full committee supported by some Republicans.

We got to the Senate for a conference on the bill, and the Senate made it very clear that they were not bound by any agreement made by the House.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 1 additional minute.)

Mr. CUNNINGHAM. In my humble opinion, it should be struck, the point of order, the Johnson amendment should not be offered, or if it is offered, those Members should stick to their word. The chairman of the committee in conference should not yield and accede to the Senate provision, and then the word would be kept.

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, it is rather difficult. The Senate has dug in, the other body, and also the President made it very clear that a $14 billion bill, which affects a lot of things in your State as well as others, would be vetoed over this issue. So it is pretty complicated.

Mr. CUNNINGHAM. I understand.

Mr. REGULA. We kept our part of the bargain. We came with the zero.

The CHAIRMAN. The committee will rise informally.

The Speaker pro tempore (Mr. BALLENGER) assumed the chair.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced the Speaker's signature to an enrolled bill of the Senate of the following title:

S. 318. To require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The committee resumed its sitting.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to move to page 88, line 8, through line 6 on page 89, for the purpose of making a point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. SANDERS. Mr. Chairman, reserving the right to object, some of us have amendments in title I. How does the gentleman's proposal affect those amendments getting heard today?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, it would in no way affect the other amendments. We are doing this at the request of the gentleman from Illinois (Mr. YATES), who would like to deal with the issue of NEA, is my understanding.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, it is not my request. It was my understanding that the request was, would I agree to it? If the gentleman wants to continue at another stage of the bill, it is all right with me, but to place this in my pocket is the wrong approach. I would just as soon hear it or just as soon postpone it.

Mr. REGULA. If the gentleman will yield further, let us move on and dispose of this issue. Most of the speeches thus far have been on that issue, so I think it is important that we deal with it expeditiously. It will not affect in any way the gentleman's ability to offer amendments.

Mr. SANDERS. Mr. Chairman, reclaiming my time, is the gentleman saying he wanted to go to the NEA and for how long a period?

Mr. REGULA. Mr. Chairman, 30 minutes has been allowed in the rule.

Mr. SANDERS. Then we will come back to the beginning of the bill?

Mr. REGULA. Yes.

Mr. SANDERS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. DICKS. Mr. Chairman, reserving the right to object, we will go right back to the start of the bill after we finish this?

Mr. REGULA. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $81,250,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,760,000, to remain available until expended, to the National Endowment for the Arts: *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ADERHOLT. Mr. Chairman, the two paragraphs beginning on page 88, line 10, and all that follows through page 89, line 6, include unauthorized appropriations in violation of clause 2 of House Rule XXI.

The language I have just specified is an appropriation of $98 million for the necessary expenses for the National Endowment of the Arts. Authorization in law for the National Endowment for the Arts expired in fiscal year 1993. Clause 2 of House Rule XXI states "No appropriation shall be reported in a general appropriations bill for any expenditure not previously authorized by law."

Since the National Endowment of the Arts is clearly not authorized in law and the bill includes an appropriation of funds in this agency, I make a point of order that the language is in obvious violation of clause 2 of Rule XXI.

The CHAIRMAN. Does any member wish to be heard on the gentleman's point of order?

Mr. OBEY. Mr. Chairman, as the author of the language which is proposed to be stricken under the point of order, I would simply ask, is this the point of order that would allow the House to put back by recorded vote exactly what will be stricken 5 minutes earlier so that one party can claim victory over another, or is this a serious legislative approach?

The CHAIRMAN. The Chair would ask that the gentleman confine his remarks to the point of order.

Does anyone wish to be heard on the point of order?

Mr. DICKS. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded, and the Chair is prepared to rule.

Mr. GOODLING. Mr. Chairman, I rise in support of the point of order.

Mr. Chairman, as chairman of the committee of jurisdiction over NEA, I would like to speak on the point of order with respect to funding for the National Endowment for the Arts, and want to make a few comments to put NEA funding in context.

Last year the Interior appropriations bill that came to the House floor provided continued funding for NEA for fiscal year 1998.

□ 1415

The point of order was made that constituted funding for a nonauthorized program. The point of order prevailed and the bill left the House with zero funding for the NEA, and then the master of all arts came into play, Houdini. When we found this bill again, we discovered that there was an appropriation, even though it was not authorized.

This year we find ourselves in much the same position. The appropriations bill has been reported to the House with $98 million for the NEA, yet the NEA has not been authorized since 1993. For the past few years it has been continuing on a year-by-year basis only by virtue of the appropriations process. A point of order has been made that the $98 million should be struck on the grounds it constitutes funding of a nonauthorized program. Some of my colleagues may ask, well, what has the authorizing committee been doing? Let me explain.

Back in 1995 the committee reported an NEA authorization bill. It would have permitted the NEA to exist for 3 more years, phasing it out over that same 3-year period, giving plenty of time for the private sector, local States and municipalities to take over the program. In fact, the NEA would have ceased to exist as of October 1 of this year had that bill become law. However, there was no floor action taken on it.

POINT OF ORDER

Mr. YATES. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, the gentleman is not addressing the question of the current legislation and I think his attention should be directed to that fact. I think if he wants to state the history of the appropriations, the point of order should be disposed of and the gentleman permitted to strike the last word or participate in the debate.

The CHAIRMAN. The gentleman is correct, and the Chair would ask the gentleman from Pennsylvania (Mr. GOODLING) to confine his remarks to the point of order made by the gentleman from Alabama.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Chair is entertaining debate on the point of order made by the gentleman from Alabama (Mr. ADERHOLT).

Mr. GOODLING. Mr. Chairman, I was merely pointing out that there is a lot of history in relationship to what we are discussing today in relation to the point of order, so that someone does not fault the committee because we have not taken action, because we have taken action.

So I would suggest that it is definitely out of order to move ahead with legislation that has not been authorized by the authorizing committee, and I would hope that we would sustain the point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

The gentleman from Alabama (Mr. ADERHOLT) makes a single point of order that the two paragraphs appropriating funds for the National Endowment for the Arts violate clause 2(a) of rule XXI by providing for an unauthorized appropriation.

As stated by the Chair on July 11, 1997, the authorization for the National Endowment of the Arts lapsed in 1993. The National Endowment of the Arts has not been reauthorized since the ruling of the Chair last year. Accordingly, the point of order is sustained and the two paragraphs are stricken from the bill.

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JOHNSON of Connecticut:

Page 88, after line 9, insert the following:

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $81,240,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,760,000, to remain available until expended, to the National Endowment for the Arts: *Provided*. That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

The CHAIRMAN. Pursuant to House Resolution 504, the gentlewoman from Connecticut (Mrs. JOHNSON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 2 minutes.

I am proud to offer my amendment to restore $98 million in level funding for the NEA. I would have been equally proud to have risen to oppose a motion to strike NEA funding as adopted in the committee bill, and I salute my colleague, the gentleman from Illinois (Mr. YATES), for his successful committee amendment, yet another sign of the breadth of support there is for the NEA.

I also salute the gentleman from Illinois (Mr. YATES) for his long and consistent leadership in support of the arts and for his deep dedication to responsible stewardship of our Nation's resources. In this House we often refer to each other as the gentleman from a certain State or the gentlewoman from a certain State. Indeed, the gentleman from Illinois (Mr. YATES) has been a gentleman; not only a gentleman, but a wise gentleman and a leader, and I thank the gentleman for his fine service over so many years.

Mr. Chairman, I ask my colleagues to support my amendment. The reforms adopted last year directly addressed the causes of past problems, as the gentleman from Ohio (Mr. REGULA) will make clear in a few minutes. Therefore I ask those 150 Republicans who supported the Republican amendment last year, which supported a Federal role for the arts to support my amendment this year.

I have been a lifelong supporter of the arts, because truly man does not live by bread alone. The arts are a medium through which we publicly discuss profound and great matters of life and death, love and duty, freedom and bondage, man's relationship to God and nature. NEA dollars help new plays to be written, new symphonies to be conceived, performing arts groups to develop and thrive, and the performing arts to reach our most rural communities and our most isolated neighborhoods.

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

Mr. LARGENT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. LARGENT) is recognized for 15 minutes.

Mr. LARGENT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in opposition to the Johnson amendment to the Interior Appropriations.

As my colleagues know, this amendment would restore funding to the National Endowment for the Arts, an organization which has wasted U.S. taxpayer dollars on art which has often been objectionable to Americans. By ending funding to the NEA, we are not ending Federal funding for the arts.

Contrary to popular belief, the National Endowment for the Arts is not the sole recipient of Federal funding for the arts. There are an estimated 200 arts and humanities programs or activities funded by and administered through various departments and agencies of the Federal Government, but are not getting one dime of NEA funding. These programs are programs such as the Commission of Fine Arts, the Holocaust Memorial Council, JFK Center for the Performing Arts, the National Gallery of Art, the Smithsonian, and many others.

The Federal Government also provides support for the arts through tax expenditures, such as the deduction for charitable contribution to the arts, humanities, culture, on income, gift and estate taxes. Zeroing out funding for the NEA will not end Federal funding for the arts. It simply ends a program which has misused taxpayer dollars with some of the sickening attempts to subsidize blasphemous, offensive and pornographic depictions.

In addition, I might point out that the NEA administrative overhead and bureaucrats earn about twice as much as the artists they seek to subsidize, and much of their subsidy goes to just a few large cities in our country. I do not know if this is what is called fleecing of America, but it is objectionable, and I urge the defeat of this amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I just want to make it clear the reforms that have been instituted in the past couple of years. They are listed here, and in addition, there are some others. First of all, we now have six Members of our Congress, three House, three Senate, that serve on the Arts Council: The gentleman from California (Mr. DOOLITTLE), the gentleman from North Carolina (Mr. BALLENGER), and the gentlewoman from New York (Mrs. LOWEY) from the House; Mr. SESSIONS, Mrs. COLLINS and Mr. DURBIN from the Senate.

We put a 15 percent cap on funds that any one State may receive in order to ensure a more equitable distribution. We also added a requirement that 40 percent of the funds must go for State grants and set-aside programs. We put in a requirement that there would be a reduction of administrative funds, and we provided authority for the NEA to solicit and invest private funds. The gentleman from California (Mr. CUNNINGHAM) mentioned earlier one of the agreements. We have implemented that agreement. The gentleman from Pennsylvania (Mr. PITTS) mentioned about one city getting too much and we put restrictions on this, to broaden it all across America.

In response to the gentleman from Pennsylvania (Mr. GOODLING), in this year's bill there is the establishment of a priority for grants for education for underserved populations and community music, and I mentioned earlier Jessup, Iowa had a group out there. They paid half for this, this small community, the NEA paid half, and they had a string quartet that spent 6 months with students in Jessup.

In 1996 Congress eliminated grants to individuals, seasonal support and subgranting so that we would not have a repetition of what happened in Minneapolis. These reforms have had a strong impact on the organization and the kind of grants it supports. In addition, Senator HELMS put obscenity restrictions in the NEA legislation in 1990, and just recently the United States Supreme Court upheld these restrictions in the Finley case as being constitutional.

So I just want to be sure that we are recognizing the enormous changes that have been made in the NEA.

Mr. LARGENT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, I wanted to leave that chart, because I think it is very important. I appreciate the chairman of the subcommittee showing us all the good reforms, and they are good reforms. The problem is, even with all of these reforms, we still have a bad NEA in place. That is the problem, and that is why I rise in opposition to this amendment to add funding back for the National Endowment for the Arts.

I am not under any illusions about this amendment. We are going to have a tough time defeating it. But I think there are very important principles at stake here, principles that supporters of the NEA simply gloss over. Fiscal responsibility of course is one principle. Is it fiscally responsible to give taxpayers' dollars to some artists who produce art that offends many of the taxpayers? Time and time again, even with all of the reforms, NEA money trickles out to so-called artists who go out of their way to offend the sensibilities of working Americans. Is this a fiscally responsible use of taxpayers dollars? I do not think so.

Another principle is censorship, and I contend that the NEA censors artists by doling out money only to those artists that know how to work the system. The NEA picks winners and losers, just by the very virtue of being a government agency. It thereby censors those who do not meet their particular tests.

Artists need to have the freedom to produce their art and they should do so in a free market setting. By allowing the continued government interference in the arts, we risk compromising the artistic freedom of this country.

The Federal Government has no business in an agency like this. The Federal Government is producing art, culture through the Smithsonian, through the museums, through our art galleries and things like that. Those are legitimate concerns. But this is the National Endowment for the Arts that, in my opinion, does nothing to promote artistic freedom.

Mr. Chairman, I believe that the Federal Government should get out of the arts business entirely, so I urge my colleagues to vote for fiscal responsibility and against government censorship.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I yield myself 1 minute if I may do that, and reserve the balance of my time.

The CHAIRMAN. The gentleman may not reserve time; the time is controlled by the gentlewoman from Connecticut.

Mr. YATES. Mr. Chairman, I thought she just yielded me 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Chairman, if I may, I would say to the gentleman I do have a lot of requests for time. I thought the gentleman wanted 5 minutes to speak.

Mr. YATES. Mr. Chairman, I do, but I just wanted to yield myself 1 minute of the 5 minutes because I had requests for time from other people, and that is why I asked whether I may do that as a parliamentary inquiry.

The CHAIRMAN. From the gentlewoman from Connecticut, the gentleman had been yielded 5 minutes. To yield the gentleman control of that time, so that he may control the dispensation of time, would require a unanimous-consent request.

Mr. YATES. Mr. Chairman, she has yielded me 5 minutes.

The CHAIRMAN. That is correct.

Mr. YATES. Will I be able to yield time to other people?

The CHAIRMAN. Not absent a unanimous-consent request.

Mr. YATES. Mr. Chairman, I would have to ask unanimous consent in order to yield that time to others?

The CHAIRMAN. To be able to control the 5 minutes and its distribution (as by reserving time or being seated), that is correct.

Mr. YATES. I do not understand that.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I would say to the gentleman, I certainly would be happy to have him yield time on his side; I also have them on my list.

Mr. YATES. Mr. Chairman, I will take the 5 minutes now. I thank the

gentlewoman very much for that opportunity, and I thank the chair for what I believe was a misapprehension of my rights under the rules.

□ 1430

The gentleman from Texas (Mr. DELAY) who preceded me, the minority whip, in connection with the speech he made is just wrong, wrong, wrong. The government does not actually control the giving of the grants. That is in the hands of panels, of civilians who are expert in the field. They are the ones who make the original selections.

It is true that there has to be a censorship because there just is not enough money made available under the appropriations for the National Endowment of the Arts to provide grants for as many applications as they receive. They, therefore, have to be selective.

The second statement of the gentleman was that the Federal Government should not be in this business. Well, the general welfare is the government's business. I remember statements like the gentleman's being made before 1957 in connection with Federal aid for education. The Republicans were opposed to Federal aid for education and they prevented that program from being enacted by the Congress.

Then in 1957 the Russians launched Sputnik and General Eisenhower, who was President at the time, President Eisenhower, sent a request to the Congress for Federal aid for education in mathematics and in science. The Congress quickly passed that. But no mention was made for education in the civilian sense. That took a later date.

Now, we do not have the Federal Government making grants for the purpose of studying the languages, history, philosophy, ethics, religion, legislature or the arts, as such, other than through the NEA. We do have the National Science Foundation. The National Science Foundation does an excellent job for mathematics and for the sciences.

But insofar as the political sciences are concerned, the National Science Foundation does not engage in that. In other words, the National Science Foundation does not contribute to the disciplines that will educate our children in the ways of peace. Only the arts and humanities represent the Federal Government in making those kinds of grants and in teaching in that respect.

Does the committee believe that education in science and math is enough? I do not think so. I think that the endowments have done a remarkably fine job over the years and I am constrained to support the amendment offered by the gentlewoman from Connecticut (Mrs. JOHNSON) to restore the funding for the arts.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say that this amendment simply restores funding to the NEA that my amendment originally placed in the bill last week, funding that was just stricken by the Republican point of order.

Of course this amendment should be supported, even if the procedure being used is Mickey Mouse. If we have to support a Mickey Mouse procedure in order to provide funding for the arts, then that is what we will have to do.

Mr. LARGENT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, first I thank the gentleman from Oklahoma (Mr. LARGENT) for yielding me this time.

Mr. Chairman, this is a little repetitious. We have been through this so many times. But I want to take advantage of an opportunity to pay tribute to a very distinguished colleague who was first elected to Congress when I graduated from high school. That is the gentleman from Illinois (Mr. YATES).

The gentleman is a dear friend. He has been a devoted and committed Member of this body. We sometimes have our disagreements on all kinds of issues, but I respect him profoundly and I wish him all the best.

Let me add that I am totally opposed to this amendment. At the Constitutional Convention, the whole question came up of funding the arts and it was overwhelmingly rejected on the grounds that that is not an appropriate function of the national government.

In 1965 we got into "guns and butter." We got into funding everything. The national government swelled enormously, penetrating virtually every aspect of our lives. This is not a time to revive it; this is a time for downsizing, getting the national government out of our lives and getting folks back home more involved in participating in funding such things as the arts and humanities.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman from Connecticut (Mrs. JOHNSON) for yielding me this time.

Mr. Chairman, I am pleased to rise in support of the Johnson amendment restoring full funding to the National Endowment for the Arts in the amount of $98 million.

I strongly support full funding for the National Endowment for the Arts. Over the past 30 years our quality of life has been improved by the NEA. Support for the arts proves our dedication to freedom of expression, one of the fundamental beliefs that our Nation has been built upon.

Full funding for the National Endowment for the Arts will not detract from the quality of life in our Nation as a whole. The NEA is a dynamic investment in the economic growth of our Nation's communities. Arts are extremely important to the constituents of our districts, and by supporting them I know that I am ensuring that our rich, diverse American culture will continue to be memorialized and celebrated.

In addition, the cultural benefit they provide, arts organizations make a direct economic impact on our communities, providing jobs, often fueling a vital flow of patrons to restaurants and shops.

Accordingly, I urge my colleagues to fully support the Johnson amendment restoring full funding to the arts, and I commend my friend, the gentleman from Illinois (Mr. YATES), for his support of this endeavor.

I am pleased to rise today in support of the Johnson amendment, restoring full funding to the National Endowment for the Arts in the amount of $98 million.

I strongly support full funding for the National Endowment for the Arts. Over the past 30 years our quality of life has been improved by the NEA. Support for the arts proves our dedication to freedom of expression, one of the fundamental beliefs our great country is built on. Full funding for the National Endowment for the Arts will not detract from the quality of life in our Nation as a whole.

The NEA is a dynamic investment in the economic growth of our Nation's communities. Arts are extremely important to the constituents of my district, and by supporting them, I know that I am ensuring that our rich, diverse American culture will continue to be memorialized and celebrated. In addition to the cultural benefit they provide, arts organizations make a direct economic impact on the community, providing jobs and often fueling a vital flow of patrons to restaurants and shops.

The NEA brings the arts to our young people. Each year, the arts endowment opens the door to the arts to millions of school children, including "at-risk" youth. An education through the arts improves overall student learning, and instills self-esteem and discipline. The arts also help prepare America's future work force by helping students develop reasoning and problem-solving skills, and enhancing communication ability—all important career skills for the 21st century.

The NEA has worked diligently for the past 8 years to create a more accountable and efficient system. In 1994 the NEA constricted the grantmaking process by eliminating subgrants to third party artists and organizations. The following year, the NEA eliminated seasonal operating support grants, and in the fiscal year 1996 and 1997 appropriations bills, Congress banned nearly all grants to individual artists.

Furthermore, the recent decision by the Supreme Court to uphold the decency standard passed by Congress in 1990 is a victory for both the National Endowment for the Arts and for the Congress. This decision is a significant step to protecting the caliber of art funded by the NEA.

The arts foster a common appreciation of history and culture that are essential to our humanity. Accordingly, I urge my colleagues to do the right thing by restoring full funding for the arts by supporting the Johnson amendment.

Mr. LARGENT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I will try and do two quotes here to perhaps change the mind of the gentleman from Illinois (Mr. YATES) and others on this subject.

Let us go back to the year 1787. During the Constitutional Convention, Charles Pinckney of South Carolina offered a motion to authorize the government to spend money on the promotion of literature and the arts and sciences. The motion was put up before the members and it was defeated overwhelmingly.

From that point on through the years of 1960, Americans enjoyed a vibrant and successful art community. Successful not because of the government, but without the government. Is the gentleman from Illinois repudiating all of that history?

Suddenly, almost 200 years later in 1965, Congress started talking about supporting the arts through Federal funding. But do my colleagues know which President said he was against funding for the arts? President Kennedy, who stated, "I do not believe Federal funds should support symphony orchestras or opera companies."

NEA has gotten very political. Everybody who is going to support the NEA would have to agree it has gotten very political, and the Federal Government has been the primary endorser of very controversial pieces of art. This art has been antithetical to our traditions and to our mores.

One of the great publishers of magazines and newspapers and a candidate for President, H.L. Mencken, said it best in this quotation:

After 20 years, he said, of active magazine publishing and newspaper publishing, I cannot recall a single writer who really needs government assistance. That is, not one of any talent whatsoever. A great many pretenders, of course, are doing badly. But I cannot see that it would be of any public benefit to encourage them in their bad work.

Mr. Chairman, the bottom line is the NEA has often not provided art that we can be proud of. It has been in large part social experiment for the elite. Some of the art produced was antithetical to our values. I do not support the Johnson amendment. Let's remember our history for almost 200 years when the government did not provide federal funding for the arts.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I must say I find it most unfortunate that we are still here listening to continuing political attacks on the NEA. I strongly support, and I think it goes without saying, the contributions the NEA has made to cultural standards in this country.

But I want to say now, as one who served as the Republican leader on the subcommittee that wrote the reforms in the early 1990s to deal with those questions of standards of decency and to protect against the controversial sexual and religious themes and, indeed, blasphemous themes, I want to say that as the Republican leader who wrote the reforms we put in protections and reforms in that legislation so that we would not be violating the community standards of decency. In fact, just last month the U.S. Supreme Court upheld the right of Congress to have those standards of decency.

Now, with respect to this question of whether or not abuses are continuing in the so-called Corpus Christi project, I can tell my colleagues categorically that no NEA funding was used under that, and let us not use this as a stalking horse or as a diversion. Let us support the Johnson amendment.

Mr. Chairman, I rise to urge this House to vote to support the NEA and vote for this amendment. I find it most unfortunate, and cannot explain the irrational political attacks on the NEA. These attacks are bred of ignorance or willful, crass, and disingenuous political abuse.

Since its formation over thirty years ago, 2nd National Endowment of the Arts has provided the public side of a very valuable public-private partnership to foster the arts. The people in this room represent the private side of that partnership. For urban, suburban, and rural areas alike.

Nevertheless, there were abuses in recent years that became public in the early 1990's. There were blasphemous and irreverent productions that clearly violated community standards.

"CORPUS CHRISTI"

Now, all of us have been hearing from constituents about a play "Corpus Christi," which many people mistakenly believe was supported by the NEA. I want you to know that NEA funding did not support this play!

Should this event prove to show that the reforms we instituted have to be strengthened, then I can assure all our members that I will lead that effort and close any loopholes in current law.

In 1990, I served as Republican leader of the subcommittee that re-wrote NEA regulations to establish new decency standards and outlawed NEA support for projects with controversial sexual and religious themes, and those which violated community standards of decency.

In the past month, the U.S. Supreme Court upheld these standards, saying the federal government can consider general standards of decency and the "values of the American public" in deciding which projects should receive cash grants.

The NEA has provided the critical support which allowed production of such American classics as the original "Driving Miss Daisy," "The Great White Hope," and a "Chorus Line." The NEA has brought us the television programs "Live from the Lincoln Center" and "American Playhouse."

All told, over 11,000 artists have received fellowships from the Endowment. They've won dozens upon dozens of Pulitzer Prizes, MacArthur Awards, and National Book Club Awards.

Let's continue to support this worthwhile organization. Vote for this amendment. Support the Arts.

Mr. LARGENT. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I thank the gentleman from Oklahoma (Mr. LARGENT) for yielding me this time.

Mr. Chairman, I want to bring back a chart that we looked at just a few minutes ago and have kind of a little different perspective on what we were doing. The gentlewoman from New Jersey (Mrs. ROUKEMA) just mentioned some of the reforms.

When we go down this chart of NEA reforms, the gentleman from Florida and the gentleman from Illinois, the CLIFF STEARNS and the PHIL CRANES of the world who have been fighting this fight for dozens of years, and other people in this conference, trying to highlight the abuses of this program, I think here are some dividends that have been paid.

There is a $400,000 grant in Kansas in March of 1997, a review of that art project. It was called "Santa's Workshop" and it had Santa Claus masturbating. So this fairly recent phenomenon here of 1997, of where we do not quite have it right.

But the people who have the courage to come up here and say that this is not a proper thing to spend taxpayer money on, and have highlighted the abuse and the way the NEA is run, should be proud that we have made progress.

The subcommittee chairman should be proud of what he has been able to do, because that $400,000 grant to produce art showing Santa masturbating is more money than the entire arts agencies in Arkansas, Delaware, Idaho, North Dakota, Wyoming, the District of Columbia, Puerto Rico and all the U.S. territories received combined.

Whether we consider that program art or not, whether we consider it the proper role of the Federal Government, this has been a poorly run Federal agency where 25 cents of every dollar goes into administration and most congressional districts receive little, if any, support from it.

It is an elitist organization, out of touch with the American people in terms of business management, out of touch with the American public in terms of what art is. We are making small progress, and that is something to be thankful for. But we can set our watches by this debate, because it will

happen again next year, and one year we will take this pot of money and give it to the communities to let them come up with programs better than we can do here. That day is coming.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I rise in support of the Johnson amendment. As a congressional appointee by the Speaker to the National Council of the Arts, I have been monitoring the NEA and found that significant and positive changes have been made by this agency and Congress to ensure that taxpayers' funds are spent wisely and not on obscene and offensive art.

Like many others, before the NEA undertook these changes, some of which were internal and some of which were dictated by Congress, before that time I supported efforts to reduce, prioritize, or eliminate funding for the Endowment. I now think we should give the NEA a chance to work under new guidelines and mandates of law that now govern the agency and that we should level-fund it.

□ 1445

In recent weeks I have heard reports that NEA funded a theater called Project Corpus Christi, a play portraying Jesus as having sex with his apostles. I am glad to report the NEA did not fund this project. The Manhattan Theater Club, the theater involved in this controversy, did receive funds from the NEA but for a separate and noncontroversial play.

I think we should support, level fund this endowment.

Mr. LARGENT. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, when we are on a tight budget, we have to make choices. We cannot buy expensive tickets to the theater or even go to the movies if we can barely afford to buy our food and pay our rent.

At a time when we are talking about a debt in this Nation of $5.5 trillion, when we are talking about balancing the budget, it is difficult to explain to the American people why we need to spend $98 million for such a program as we are talking about here today.

We all support the arts, but it does not seem fair to make the hardworking people of this country pay for exhibits that are only art by name, because in many cases they are pornographic, they are profane, and would be viewed with disgust by the majority of the people who see it.

When we are trying to balance the budget, as I mentioned, when we are trying to reduce the size and the scope of the Federal Government, can anyone honestly place arts on the same level as, say, providing for our national defense and improving our Nation's infrastructure, improving or saving Medicare and Social Security?

The National Endowment for the Arts has proven time and time again that they cannot be trusted as good stewards of the people's money. This is a travesty and a slap in the face of those people who call themselves Christians and who believe in the Christian faith and the religious values that have made this Nation great. I think we must show the American people that we are serious about changing the way Washington spends their money, and I think we should eliminate the National Endowment for the Arts.

I urge my colleagues to vote against the Johnson amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I thank the gentlewoman for yielding me this time.

As cochair of the Congressional Members Organization on the Arts, I represent over 140 Members of this House, bipartisan Members, who are dedicated to the survival of the NEA because we know that one of the greatest benefits is that it touches a broad spectrum of the population, both rural and urban, young and old, rich and poor, and everyone in between.

The arts are an important part of our economy, recognized by the Conference of Mayors of the United States, which has given us its strongest support and said that NEA must survive because of the economic benefits it means to every city in the United States.

When we spend $98 million on the NEA, we provide the first link in a delicate system that supports 1.3 million full time jobs in all the 50 States, providing $3.4 million back to the Federal treasury in income taxes. I know of no other investment we make as Members of Congress that brings back to the treasury such an incredible return.

But it is more than that. Test after test has shown that each child exposed to the arts is a better student.

Mr. LARGENT. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in opposition to the Johnson amendment. There is no question that art serves many purposes. It communicates powerful emotions that are often difficult to express in other ways.

Yet art is best judged in the context of individual creativity and independent thought, not through a Federal bureaucracy. And freedom of artistic thought is very important to our society. We do not need a Federal agency determining which art is worthy of government funding and which is not. Citizens and private groups should decide what they think is quality art and spend their money to fund it accordingly. When the NEA gives grants to art projects, taxpayers are put in the position of supporting art they may find objectionable.

A recent congressional oversight study found private giving to the arts is at an all-time high. In fact, private individuals outspent the NEA 100-to-1. When it comes to supporting the arts, the private sector is where it is at. Local and State governments do likewise. Art thrives not on government handouts but on thousands of individual acts of creativity.

The NEA is no longer needed to fund art. Instead, it serves as a prime example of government overreaching its sphere of influence.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding and I rise in support of Federal funding for the arts and funding for the NEA.

Mr. Chairman, I find it appalling that we are even debating whether to cut the funding of the National Endowment of the Arts today.

We spend more on the Marine Corp Band than we do on the NEA. In fact, we give less to the arts than any other western country. Even during the Middle Ages the arts were something to be protected and preserved and their importance was understood.

They were not mistaken. The arts are good for the public, and study after study shows that children who are exposed to the arts do better in school and have higher self-esteem.

The money from the National Endowment for the Arts touches the lives of millions of Americans.

At the Metropolitan Museum of Art, thousands of people flood in and out of their doors each day.

The American Ballet Company travels around the country bringing the grace of ballet to every area of our country.

Before the NEA was created in 1965, there were only 58 orchestras in the country; today there are more than 1,000.

Before the NEA, there were 37 professional dance companies in America; now there are 300.

Before the NEA, only one million people attended the theater each year; today over 55 million attend annually.

Mr. Chairman, the benefits of the arts and the NEA are evident, and I urge my colleagues to join me in supporting full funding for the National Endowment for the Arts.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, as one of the members of the Council on the Arts, I rise in strong support of the Johnson amendment and want to associate myself with the remarks of my colleague, the gentleman from North Carolina (Mr. BALLENGER).

Mr. Chairman, I rise in very strong support of the NEA, and I do so not only as a proponent of federal support for the arts, but also

as one who has seen first-hand the inner workings of the NEA.

Along with Mr. BALLENGER and Mr. DOOLITTLE, I have the privilege of serving as one of six Congressional members on the National Council on the Arts, which basically serves as the Board of Directors for the NEA. Among the distinguished members of the National Council are Father Leo O'Donovan, the president of Georgetown University; and Wallace McRae, a third generation livestock rancher from Montana and the author of four volumes of poetry. Let me also point out that the new chairman of the NEA, William Ivey, is the former director of the Country Music Foundation.

This is not a radical group, needless to say. In reviewing and voting on NEA grant applications, the members of the National Council take their responsibilities to U.S. taxpayers very seriously. They are united by their commitment to making the arts accessible to all Americans—which is what this debate is all about.

Now we all know that NEA opponents delight in telling tabloid-like stories about objectionable projects funded by the NEA. But let's be clear on the facts. Out of more than 112,000 NEA-funded grants over the past 32 years, only 45 were controversial. That's less than four one-hundredths of one percent of all grants. Most importantly, reforms instituted by Congress and internally by the NEA have restructured the grant process so that the mistakes of the past will not be repeated.

We didn't abolish the Department of Defense because of $500 toilet seats and we didn't abolish the Navy because of the Tailhook scandal. We certainly shouldn't abolish the NEA because a few projects years ago were controversial. It's simply absurd.

One of the standards by which we judge a civilized society is the support it provides for the arts. In comparison to other industrialized nations, the United States falls woefully behind in this area—even with a fully-funded NEA. In a nation of such wealth and cultural diversity, it is a tragic commentary on our priorities that year after year we must engage in a protracted debate about an agency that spends less than 40 cents per American each year—and in return benefits students, artists, teachers, musicians, orchestras, theaters, and dance companies and their audiences across the country.

But let's be honest—this isn't a fight over money. The Republican leadership wants to eliminate the NEA because they are afraid of artistic expression in a free society. This battle isn't about defending the values of mainstream America—this is about the GOP pandering to Pat Robertson and the Religious Right.

Polls overwhelmingly show that the American public supports federal funding for the arts. And if those reasons are not compelling enough for some, let's just talk dollars and cents. For every $1 the NEA spends, it generates more than 11 times that in private donations and economic activity. That is a huge economic return on the government's investment. And you certainly don't need to be from New York to see the impact of the arts on a region's economy.

The Republican assault on the arts—on cultural expression itself—is an outrage—and it must be defeated.

Mrs. JOHNSON of Connecticut. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentlewoman from Connecticut, as the proponent of the amendment, has the right to close.

Mrs. JOHNSON of Connecticut. And how much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentlewoman from Connecticut (Mrs. JOHNSON) has 3 minutes remaining, and the gentleman from Oklahoma (Mr. LARGENT) has 3¼ minutes remaining.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, the government has an important role in funding the arts. Two years ago some of us thought we could combine two good principles; fund the arts, but do it by replacing the NEA with a block grant directly to the State arts commissions. We thought we had a viable compromise that would end the annual debate; an honorable effort to broaden the base. That failed. The block grants are not viable.

We need to fund the NEA and we need to increase the funding for the NEA. I appreciate the efforts of my colleague from Connecticut in making sure that will happen.

Mr. LARGENT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

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

I would encourage my colleagues to read the report that we issued last year: A Creative and Generous America, The Healthy State of the Arts in America. Because the arts in America are healthy. What is failing is the continued failure of the National Endowment for the Arts.

It is not a broad-based program. The NEA has failed in its primary mission to make that happen. More than one-third of NEA funds go to six cities, and one-third of all congressional districts fail to get any direct funding. That means one-third of America does not even see the NEA. In short, the NEA makes up a minuscule portion of arts support in America.

There is no credible evidence that the NEA has had anything to do with the recent growth and explosion in the arts. It is a failed small agency. And before my colleagues say how well it works, just a year ago 63 percent of NEA grantees could not reconcile their project costs, 79 percent had inadequate documentation of personnel costs, and 53 percent had failed to engage independent auditors.

This agency needs to be overhauled if not eliminated.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in very strong support of the amendment offered by my good friend, the gentlewoman from Connecticut (Mrs. NANCY JOHNSON), to restore funding for the NEA.

Mr. Chairman, the arguments in favor of limited funding are hollow and without merit. Government support for the arts is not a program for the elite. Eliminating the endowment will do nothing to reduce the deficit. The private sector cannot and will not provide sufficient funding to make up this loss in the credibility.

Some of the many reasons most Americans believe in government support for the arts is it stimulates economic growth, it invests in our communities, they are basic to a thorough education. We know that student achievement and test scores in academic subjects improve when the arts are used to assist learning in math, social studies, creative writing and communication skills. We know SATs and ACTs are elevated by students who have had the arts training.

I invite anyone who thinks the NEA is not needed to visit the Puppet Company Playhouse in Glen Echo Park, just a few miles from the Capital.

It's a two-hundred seat theater created out of a portion of an historic ballroom at Glen Echo Park. The audience is usually made up of children accompanied by their families and teachers, representing the cultural and economic diversity of Maryland, Virginia and the District of Columbia. An NEA grant allows the Puppet Co. to keep the ticket prices low so that many young families can attend the performances. The associates who run the Company work hard for modest salaries in the true spirit of keeping their company non-profit.

I think most taxpayers would be pleased to know that they support such a worthwhile project.

Mr. Chairman, I urge my colleagues to support the Johnson amendment. It is the right thing to do.

Art is how we remember. It is important, even vital, that we support and encourage the promotion of the arts so that the rich and cultural story of our past can be made available to future generations.

Mr. LARGENT. Mr. Chairman, I yield 1 minute to the gentlewoman from New Mexico (Ms. WILSON).

Ms. WILSON. Mr. Chairman, for those of us who find ourselves supporting a gradual change, this is a difficult vote and a difficult amendment.

I am rising today in opposition to this amendment for a variety of reasons but, in particular, I would have supported the efforts of the gentleman from Pennsylvania (Mr. GOODLING) several years ago to gradually privatize the National Endowment for the Arts, and I believe as a politician who also loves the arts, that politics and art rarely mix. And if there is one thing that this debate has shown us today, it is that.

I think that the National Endowment of the Arts should move towards being a private national endowment over

time. Unfortunately, having talked to the National Endowment of the Arts this morning, I found that while they were given authorization to begin development programs to raise independent funds a year ago, in that year they have only raised $50,000. That is not a real effort, in my view, towards moving toward a truly independent national endowment, and my vote today should be seen by supporters of the arts and seen by the National Endowment of the Arts as a clear encouragement to them to move towards privatization.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time, and I certainly support her amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I consider myself one of the most conservative Members of this body, and my record as one of the fiscal conservatives is a matter of record. But let me tell my colleagues, regarding the arguments I have heard today, this is a question about whether or not we give any money to the arts. It is that basic; that simple.

This government has always supported the arts. From Washington, from Thomas Jefferson, from Abraham Lincoln, we have always, as a Nation and its founding leaders and through every administration, supported the arts.

Now, I admit that some mistakes have been made, and I have highlighted those mistakes. But it is not our responsibility or duty here to abolish Federal Government participation in the arts. With those mistakes that have been made, it is our responsibility to correct those mistakes. If we need tax credits, if we need to change the project basis, let us do that. But this is about funding our museums, this is about funding our symphonies.

Mr. Chairman, I have never seen a child who has attended or heard a symphony or visited a museum who would not benefit from this effort to fund the arts.

Mr. LARGENT. Mr. Chairman, I yield myself the balance of my time.

As I listened to the debate, one thought kept crossing my mind, and that is how easy it is to be a philanthropist with other people's money. It is really easy to give away other people's money, $9.5 million.

The impression some Members would give us, and the movie stars, is that the arts and arts programs in this country are hanging by a thread, and if we do not fund the NEA all of the arts are going to go away. Well, the truth is that is not true.

The fact is there are several people that are contributing to the arts community in our country today. One is the Federal Government. Now, not just the $98.5 million that we are trying to stop being funded to the NEA. There are over 200 programs funded by taxpayers that go to the arts: Holocaust Museum, Commission of Fine Arts, Indian Arts and Crafts Board, JFK Center for the Performing Arts, National Endowment for Children's Educational TV, NEH, National Gallery of Arts, the Smithsonian.

How much money is the Federal Government spending of our tax dollars on the arts? Well, in 1997, it was $696 million, in 1998 it was $710 million, and in 1999 it will be $815 million that is going to go to fund the arts. So we are great philanthropists with other people's money.

Mr. Chairman, I will just finish by urging my colleagues to vote "no" on the Johnson amendment.

□ 1500

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself the 30 remaining seconds.

I urge support of my amendment in the strongest terms possible. This body votes R&D tax credits to support the creativity necessary to an entrepreneurial society. We support NIH funding to create the knowledge base for medical innovations.

We must support NEA dollars to support the infrastructure for a strong, vital, national, creative culture and community of the arts. We must do no less if we are to have the quality of inspired leadership that this Nation needs to sustain our democracy.

If my colleagues have never been in a HOT school, a higher order of thinking school, go. It will demonstrate why NEA dollars count, now and in the future.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I rise in strong support of my colleague NANCY JOHNSON's amendment to restore $98 million in funding to the National Endowment for the Arts. For a small and carefully safeguarded investment of taxpayer money, NEA funds activities that enrich all aspects of our society.

We will hear a good deal today about the economic benefits NEA offers to our local communities—and that's right. Last year, we invested $98 million in the NEA. This investment supported 1.3 million full-time jobs in local communities, generated an estimated $37 billion in economic activity, and returned almost three and one half billion dollars to the federal treasury in income taxes. Clearly, any investment which provides a return of nearly 35 times your initial investment is worth continuing. Since FY96, the NEA has directly contributed over $3 million in awards to the Connecticut economy, and 19 individual awards were recommended last year.

But more important is the immeasurable contribution that NEA makes to our nation's art and music, creativity and talent. When we invest in NEA, we add to the store of artistic expression in the world. We add to the human spirit. And that is the most important investment of all.

I urge my colleagues to support this amendment and fund this important program.

Ms. STABENOW. Mr. Chairman, I rise today to express my strong support for continued funding for the National Endowment for the Arts because the NEA broadens public access to the arts for all Americans.

The latest Lou Harris poll found that 79% of Americans support a governmental role in funding the arts. Furthermore, 57% said they favor the federal government funding the arts. Federal funding for the arts is a good investment because the arts contribute to our society both financially and educationally.

From a financial standpoint, the NEA is an investment in the economic growth of our communities because the non-profit arts community generates an estimated $37 billion in economic activity, returns $3.4 billion in income taxes to the federal government each year, and supports 1.7 million jobs.

Federal funding for the arts is also a catalyst for leveraging private funding since recipients of NEA grants are required to match federal grants up to 3 to 1. It is also important to recognize that the NEA's budget represents less than one one-hundredth of 1 percent of the federal budget and costs each American less than 38 cents per year.

Our communities benefit from an investment in the arts when art is a part of a comprehensive educational program and last year, the NEA made arts education a top priority. In 1997, the NEA invested $8.2 million in support of K–12 arts programs. Through these programs, the NEA opens creative doors to millions of school children, including "at-risk" youth. Participation in the arts improves overall student learning, instills self-esteem and discipline and provides creative outlets for self expression. The arts also help prepare America's future high-tech workforce by helping students develop problem-solving and reasoning skills, hone communication ability and expand career skills for the 21st century. In my extensive work with education and technology, I see how important arts education is to developing our future workforce.

Exposing children to the arts is even more important now that we know how crucial the first 3 years of a child's life are to full mental and emotional development. Even at the very beginning of life, children respond to music and visual stimuli. The NEA increases opportunities for parents and teachers to share art with children who may not otherwise have such opportunities.

In Michigan, the NEA supports mentoring programs, in-school performances and apprenticeships in local school districts, colleges and universities. These programs have enriched the cultural fabric of our community. Mr. Chairman, I urge my colleagues to support the continued funding for the National Endowment for the Arts.

Mr. LAZIO of New York. Mr. Chairman, I rise today, in ardent support of the National Endowment for the Arts. I commend my colleague, NANCY JOHNSON, for her perseverance on this issue and thank Chairman REGULA for bringing to the floor a fine Interior Appropriations bill.

Every day, arts programs across the United States are helping Americans. CityKids is an

educational program in New York City, and let me describe for you what one of the students told me:

Chayka wrote:

My grandfathers, grandmother, father and uncle were all alcoholics. I lived in the projects oldest of 5 girls to a single mother and all I had was my ambition, drive, determination, and talent. The arts . . . has kept me sane. Now I've taken these skills that I've learned and through the arts I educate thousands of youths. It makes communicating to my peers about teen pregnancy, drugs, abuse, and racism heard effectively.

The National Endowment for the Arts is a powerful symbol for improving the quality of our lives and the refining of our communities. The arts clearly enhance community livability; attract industry; create jobs; increase the tax base; and enrich us all. Dance, theater, and music encourage personal achievement in our communities. In a time when we have balanced the budget, lowered taxes, and improved education in our country, we can take the time to appreciate the creative opportunities made possible by local arts organizations and the NEA.

The NEA does touch us in our communities. For instance, this weekend the 21st Annual New York Philharmonic Free Concert will take place at Heckscher State Park in my district on Long Island. Every year, this concert brings together 40,000 people and this free concert is made possible because the NY Philharmonic receives a grant from the NEA to offer free concerts throughout New York State and the region. 40,000 people take advantage of this opportunity and benefit from the NEA—families who otherwise may not have the occasion or the money to hear classical music.

As a result of Federal arts funding, the American people have gained access to a greater range of nonprofit arts organizations. Since 1965, the number of professional nonprofit theaters has grown from 56 to over 425; large orchestras have increased from 100 to over 230; opera companies from 27 to over 120; and dance companies from 37 to over 400. Additionally, countless small chamber and choral groups, museums, art centers, cultural festivals, cultural organizations and writers guilds have sprouted up in small towns, rural communities, medium-sized cities and suburbs throughout every corner of America. A Congressional initiative that allocated 7.5 percent of all NEA arts funding to help develop arts programming in under-served areas specifically helped us reach this outcome.

Over the past few years, Congress has instituted changes that have allowed for important reforms. I'd like to take a moment to highlight an excellent program that has been instituted in response to Congressional concerns about the fairness of the distribution of NEA grants. The new ArtsREACH program is designed to send grants to states that have historically been under-served. Specifically, ArtsREACH will provide direct planning and technical assistance grants to communities in targeted states to create coalitions of cultural organizations, local government and community arts agencies. They will work together to ensure that the arts are an integral part of achieving community goals. ArtsREACH will target local arts and civic leaders and help them to use the arts to build stronger communities. In fact, the United States Conference of Mayors recently passed a unanimous resolution endorsing ArtsREACH.

The arts make a difference in helping to solve everyday challenges. I have seen firsthand how the arts build communities. Public funding for the arts combined with private sector giving has had a profound impact upon the health, education and economy of our nation. Business leaders are building upon the economic stimuli and social problem-solving abilities created by the arts to nurture further growth at the local level. The arts enrich the lives of all Americans because they speak to our economic, intellectual and spiritual well-being. In my home state of New York, organizations supported by the arts provide 174,000 jobs. Nonprofit arts organizations alone have an economic impact of nearly $4.1 million.

Not only do the arts contribute to a stronger community, they also help prepare job-seekers and enhance creativity in the workplace. When hiring employees, more and more businesses are looking for those qualities developed through education and exposure to the arts.

The U.S. Department of Labor's report on the Secretary's Commission on Achieving Necessary Skills recently highlighted the important role of arts education in achieving many "core competencies" for the workplace, including creative problem solving, allocating resources, team building, and exercising individual responsibility. Employers recognize that individuals with a strong background in arts have the creative talent to innovatively approach challenges.

The arts inspire me and millions of Americans. On the cusp of a new millennium, when we are actually aware of our legacy and our future, the time is right to reinvest in our identity and to ensure that we remain a world leader culturally as well as economically.

I urge my colleagues to continue funding the National Endowment for the Arts. Help the arts flourish in small towns and inner cities across our great nation.

Ms. DELAURO. Mr. Chairman, I am proud to rise in strong support of the amendment by my colleague from Connecticut. The arts enrich our culture, our humanity, our communities, and our economy, and I am pleased to vote for this amendment to restore funding to the National Endowment for the Arts.

The small investment the government makes in the NEA—its budget is only .01 of our national budget—serves as a catalyst for local, state and private investment in the arts, and bolsters an industry that provides millions of jobs across the nation.

We see the results of this investment in Connecticut's thriving arts community. Connecticut's nonprofit arts industry—and it truly is an industry—contributed an estimated $1.3 billion to the state's economy in 1996, and provided jobs for roughly 30,500 people.

Just last month, New Haven demonstrated again how the arts can both build our economy and bring our community together. Performers from around the world came to New Haven for the annual International Festival of Arts and Ideas. An estimated 80,000 people traveled to New Haven to visit this summer's festival and enjoyed the artists, dancers, musicians and craftsmen. The arts means travel and tourism, money and jobs for the city of New Haven.

The arts build our economy, enrich our culture and feed the minds of adults and children alike. I urge my colleagues to support this amendment.

Mr. CASTLE. Mr. Chairman, as a Member of Congress who supports the arts, I believe that the Federal government should remain an important contributor in this area.

Critics point to a few controversial grants that the National Endowment for the Arts (NEA) has made, and I agree that some funding decisions may have been unwise. However, in recent years, the NEA has taken strides to eliminate controversy from the grant process by eliminating "individual grants" and "subgrants."

In fact, most of the funding from the agency is directed toward the cultural life and diversity of our country—to people of all ages, to people in our inner cities, in our suburbs, and in our rural communities.

In Delaware, the NEA provides assistance to the Delaware Division of the Arts and the Delaware Humanities Forum so they may grant funding to the Delaware Symphony Orchestra, the Delaware Theater Company, Opera Delaware and many other community and school activities.

When it comes to partnership between private, state, and Federal funding of the arts the NEA sets an outstanding example. According to the agency, one endowment dollar attracts twelve dollars or more from state and regional arts agencies as well as corporations, businesses and individuals.

In fact, NEA funded programs generate economic activity through tourism, urban renewal and economic development throughout the nation. According to the NEA, non-profit arts programs contribute an estimated $37 billion to the economy and are responsible for 1.3 million jobs.

It is also important to note that most industrial countries have a national budget for the arts and humanities. The United Kingdom, Canada, the Netherlands, France, Germany and Sweden not only have national budgets for the arts, but in most cases, provide more funding for the arts than the United States.

Federal support of the NEA opens the door to the arts for all Americans, sets a standard for private and public investment partnerships and generates economic development in our communities. In light of these facts, the Federal government can not neglect its responsibility in continued support of the arts, and I urge my colleagues to support the Johnson amendment to restore NEA funding.

Mr. MCGOVERN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Connecticut [Mrs. JOHNSON] to restore $98 million in funding for fiscal year 1999 for the National Endowment for the Arts.

Many speakers today will describe the overall value and worth of the NEA. They will note how we all benefit from the NEA, in every single one of our congressional districts and states.

We all know the NEA devotes 40% of its budget to partnerships with state and regional arts agencies, funding that is directed to projects tailored to those communities.

Before the NEA existed, only five states had state-funded arts councils. Today, all fifty states have such councils.

All of our constituencies benefit from NEA funds, programs that only cost taxpayers 36 cents each year.

In return, arts agencies, arts organizations, and arts programs and activities provide substantial social, educational and economic benefits.

I would like to speak, however, about two NEA grants to small local and regional museums in my district, the 3rd Congressional District of Massachusetts.

This year, the NEA awarded the Worcester Art Museum in Worcester, MA, a grant of $120,000 to support the creation and presentation of an exhibition on the lost Roman city of Antioch.

It is very fitting that the NEA supported this exhibition, which is the culmination of archaeological and artistic effort by the Worcester Art Museum undertaken throughout this century. One of the many breath-taking sights in the museum is to come upon the Antioch mosaics, which were installed around 1937, the result of a partnership between the Worcester Art Museum and various universities and museums in the United States and France to excavate the Antioch site between 1932 and 1939. Building on this work over the following decades, the Worcester Art Museum has become renown for one of the finest collections of Roman mosaics in the United States.

The NEA grant will support the creation of the exhibition, the accompanying catalogue, and the education programs—especially those for children—that will be part of this major exhibition of art and artifacts from Antioch. The exhibition will then travel to Texas and Ohio, where it will also enrich the lives of citizens, scholars and school children in those communities, as well.

Another smaller grant by the NEA was also awarded this year to the Higgins Armory Museum, a small museum in Worcester, MA that is among the best armory collections in the world. The exhibition schedule of the Higgins Armory Museum includes a series of professional development workshops for teachers, and visits by approximately 25,000 students from some 500 public and private schools throughout the six-state New England region.

The NEA provided a modest $5,000 grant to support an upcoming exhibition entitled, "Road Warriors: Knight Riders." This unique and creative exhibit will educate the general public about the medieval period of armor worn by mounted knights with a more contemporary icon, namely the various uniforms of motorbike culture. The exhibit will especially reach out to young people with education programs.

I am proud of the strong artistic and cultural heritage of central Massachusetts, and I am equally proud of the vibrant artistic community that is actively engaged in cities and towns throughout my district today.

On behalf of them and on behalf of the communities of Central Massachusetts that benefit economically, culturally and socially from their presence, I urge all my colleagues to support the Johnson amendment to restore funding for the National Endowment for the Arts.

WORCESTER ART MUSEUM,
Worcester, MA, June 19, 1998.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives,
Washington, DC.

DEAR JIM: I am writing to encourage your support of the President's proposed increase in funding for the National Endowment of the Arts to $136 million for FY 1999. As a strong supporter of the arts in our community, you already realize how important federal funding is to the Worcester Art Museum's ability to sustain a high caliber of exhibitions and services.

As you know, the Worcester Art Museum has recently received a grant award from the NEA to support its upcoming exhibition, Antioch: The Lost Roman City, scheduled to begin its national tour in Worcester in the Fall of 2000. This matching award not only signifies a level of project excellence on a national level but provides the leverage for securing additional funding sources needed for the execution of this exhibition. When an exhibition or project receives the NEA's "stamp of approval," other funders are more inclined to follow suit. This federal funding will enable approximately 170,000 viewers the opportunity to understand and learn about the ancient city and culture of Antioch, an opportunity that would not be possible without the initial support of the NEA.

I thank you in advance for your advocacy on behalf of the Worcester Art Museum and cultural institutions nation-wide and encourage your continued efforts to reinforce the importance of federal arts funding and its impact on the economic and cultural health of our communities.

Sincerely,

JAMES A. WELU,
Director.

HIGGINS ARMORY MUSEUM,
Worcester, MA, June 30, 1998.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: The Higgins Armory Museum was the recipient recently of a $5,000 grant from the National Endowment for the Arts helping to fund the Museum's 1998–1999 winter and spring special exhibition. These annual events are an integral part of the Museum's ongoing educational programming which is designed not only as a benefit for the Museum's general audiences, but also as a collaborative effort with local and regional educators to tie in with public and private school interdisciplinary curriculum. The exhibition schedule each year includes a series of professional development workshops for teachers, and visits to the Museum by approximately 25,000 students representing some 500 public and private schools throughout Massachusetts and the entire six-state New England region.

I am writing to you on behalf of our Board of Trustees to express appreciation to you and your colleagues in Congress for the important part you play in making this kind of financial support available. It is extremely meaningful to institutions like ours if we are to continue providing the kind of educational and cultural programs to the audiences we serve.

When you are in the Worcester area and your schedule permits, we would welcome the opportunity to show you the Museum and how these federal dollars are being used. We'd also like to express our very sincere thanks in person. We are extremely proud of our institution, and I'm confident that you would be also. So please consider this an official invitation, and let me know whenever you can come to see us.

Sincerely,

KENT DUR RUSSELL,
Executive Director.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Johnson amendment to restore $98 million in funding for the National Endowment for the Arts. As a member of the Interior Appropriations subcommittee, I have learned a great deal about the NEA in the last few years. I know that the NEA would admit it has made mistakes in the past, but it has instituted a series of management reforms to ensure that those types of problems will not recur. Even given those problems, opponents of the NEA can point to only a handful of questionable grants out of hundreds of thousands that have been awarded during the 32-year history of the NEA. After hearing real people and real artists discuss what the NEA has brought to them and to their communities, I know that the NEA is an incredible catalyst for bringing people together and expressing, in a creative fashion, the full range of the human experience.

The National Endowment for the Arts is successfully working to bring arts to underserved communities, through after school youth programs that are introducing our young people to the power of creative expression as an alternative to violence, and through folk and traditional arts that remind us of our common bond and what it means to be an American.

Moreover, the American public supports public funding for the arts. A Louis Harris poll indicates that, by a decisive 79 percent to 19 percent margin, a better than 3-to-1 majority of the American people is convinced that it is important that there should be federal, state, and local councils for the arts to develop new programs, research and provide financial assistance to worthy arts organizations. By 57 percent to 39 percent, a clear majority of the American people favor the Federal Government funding the arts.

Let's stop playing politics with this agency and follow the direction of the American people on this issue. Support the Johnson amendment and restore funding for the arts.

Mr. STUPAK. Mr. Chairman, today we have the opportunity to continue funding for the National Endowment for the Arts. The fact is that the NEA is an essential component of cultural programs across the country. Not only in big cities, but in rural communities and small towns. In northern Michigan, where communities are rich with pride in their unique culture and heritage, eliminating the NEA's role as a source of state endowments and grant funding will effectively silence many quality programs. I have received many letters from local arts councils, senior centers, community theaters, youth programs and museums detailing the positive effect their programs have had and how even a small amount of federal funding can impact their program. The arts draw these communities together to celebrate and to educate each other. The past controversy over the NEA has led to reform and restructuring of that organization. The NEA has a new Chairman, Bill Ivey. These reforms and this chairman should be given the opportunity to prove themselves, not be stripped of their funding. Support the Johnson Amendment.

The CHAIRMAN (Mr. LATOURETTE). The question is on the amendment offered by the gentlewoman from Connecticut (Mrs. JOHNSON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LARGENT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 173, not voting 8, as follows:

[Roll No. 312]

AYES—253

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—173

Aderholt
Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Barton
Bateman
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fossella
Gallegly
Gekas
Gibbons
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Largent
Latham
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCrery
McIntosh
McKeon
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—8

Dixon
Ford
Gonzalez
John
McDade
McNulty
Norwood
Young (FL)

□ 1521

Mrs. BONO changed her vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BARTLETT of Maryland. Mr. Chairman, today during the fiscal year 1999 Interior appropriations bill vote on the amendment by the gentlewoman from Connecticut (Mrs. JOHNSON) to continue funding for the National Endowment for the Arts, I intended to vote "no" for her amendment. I thought I voted "no" for her amendment. The voting machine indicated a "yes" vote. I would like the RECORD to show that I intended to vote "no" on this amendment.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the Members that are asking, it is our plan to roll votes until 5:30. At that time we will catch up whatever amendments would be pending and we may have to rise for a suspension that has to be done today. When we reconvene, we will then roll votes again until 8, or let us say 8:30. Hopefully if everybody works at it, I think we can finish this bill today.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONES) for a colloquy at this point.

Mr. JONES. Mr. Chairman, I thank the gentleman for this opportunity to discuss the Cape Hatteras Lighthouse which is owned and operated by the National Park Service. The lighthouse, the tallest in the world, is located along the Outer Banks of North Carolina, which is a beautiful part of my district.

The lighthouse is being threatened by the ocean and beach erosion. Two proposals are currently being debated on how best to save this historical structure. Either relocate the lighthouse inland or to stabilize the lighthouse where it is by building an additional groin to complement the three that are already in place.

As we have both mentioned in previous conversations, the moving of the lighthouse would change the character and the historical importance of this structure. At this time, I am curious if the subcommittee has taken a stance on how best to save the lighthouse.

Mr. REGULA. The subcommittee has not taken an official stance. However, the subcommittee believes the historical structure can be saved in a more cost-effective way than relocating it inland.

Mr. JONES. Mr. Chairman, as the gentleman from Ohio knows, the Senate Interior appropriations bill provides $9.8 million for the relocation of the lighthouse. However, the House bill does not address the issue. When the Interior conference convenes, does the gentleman intend to accept the Senate position or choose an alternative?

Mr. REGULA. Mr. Chairman, I am committed to supporting a proposal to save the taxpayer money while protecting the lighthouse. I am currently working with other Appropriations Committee members to provide the appropriate money necessary for the construction of the fourth groin during the conference committee.

Mr. JONES. Mr. Chairman, I appreciate the gentleman's commitment and look forward to working with him during this process.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Colorado (Mr. BOB SCHAFFER) for a colloquy.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I would like to ask the manager of the bill for a moment of his time to discuss a program of particular importance to me and many of my colleagues, the National Black Footed Ferret Conservation Center.

Mr. REGULA. I would be pleased to join in a colloguy with the gentleman from Colorado.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, as the gentleman knows, the National Black Footed Ferret Conservation Center is of critical importance to these highly endangered species. The U.S. Fish and Wildlife Service has decided to relocate this facility to an area near Fort Collins, Colorado, to take advantage of the area's habitat, infrastructure and proximity to educational and research institutions. I am grateful for the chairman's support of $1 million for the construction of the facility. However, I respectfully request full funding of the President's request in order to construct this important facility. An additional $800,000 was appropriated in the Senate bill.

Mr. Chairman, I recognize the many challenges the gentleman faces with balancing competing needs and projects, but I would like to emphasize the importance of this facility and the role that it plays in the survival of the species. I respectfully ask the gentleman to work in conference to secure full funding for this important project.

Mr. REGULA. As the gentleman from Colorado pointed out, there are many competing demands on the limited funds provided in this bill. I feel we have done as well as we could. However, I recognize the importance of the National Black Footed Ferret Conservation Center in recovering endangered species as well as its importance to public education. While we cannot meet every request, I assure the gentleman that I will keep his concerns in mind as we reconcile the differences between the House and Senate bills in conference.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I appreciate the gentleman's commitment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman from Guam (Mr. UNDERWOOD) has asked me to engage in a colloquy with the distinguished chairman of the subcommittee.

Mr. Chairman, 1998 marks the centennial of Guam's relationship with the United States. As the gentleman knows, during World War II, Guam was the only American territory occupied by the Japanese. The people of Guam were steadfast in their desire for Americans to return to the island. The Japanese were aware of this loyalty. As a result, many islanders were persecuted and tortured for their loyalty to the United States. The gentleman from Guam (Mr. UNDERWOOD) has stated his concern that, unlike other Americans, the people of Guam have never received full reparations for the atrocities they experienced during World War II. He has fought for recognition and eventual reparations to the people of Guam.

Mr. REGULA. I am aware of the gentleman from Guam's concerns and efforts in this area.

Mr. YATES. The gentleman from Guam has also noted that $400,000 has been added to the technical assistance program in the Insular Affairs account without specific designation.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. REGULA was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, the gentleman from Guam has expressed his interest in having $300,000 of those funds allocated to establish a War Restitution Study Commission to verify claims from the people of Guam for the purpose of determining amounts of individual compensation for those who suffered atrocities. Is the gentleman aware of the gentleman from Guam's request?

Mr. REGULA. I am aware of the gentleman from Guam's request that funds be made available for this purpose, and I believe that once such a commission is authorized, consideration should be given to providing funds to meet this need, along with consideration of other territorial needs.

□ 1530

Mr. YATES. I thank the gentleman, and I agree with him. I thank him for entering into this colloquy.

The CHAIRMAN. The Clerk will read the first paragraph.

The Clerk read as follows:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), $596,425,000, to remain available until expended, of which $2,062,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which $3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which $1,500,000 shall be available in fiscal year 1999 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands; in addition, $32,650,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $596,425,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burrows in the care of the Bureau or its contractors.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKAGGS:

Page 2, line 13, insert "(decreased by $1,000,000)" after "$596,425,000".

Page 3, line 6, insert "(decreased by $1,000,000)" after "$596,425,000".

Page 69, line 15, insert "(decreased by $500,000)" after "$320,558,000".

Page 70, line 17, insert "(decreased by $3,000,000)" after "$630,250,000".

Page 70, line 22, insert "(increased by $20,000,000)" after "$150,000,000".

Page 71, line 4, insert "(increased by $16,000,000)" after "$120,000,000".

Page 71, line 5, insert "(increased by $4,000,000)" after "$30,000,000".

Mr. SKAGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKAGGS. Mr. Chairman, this amendment is sponsored by me and my colleague, the gentleman from Pennsylvania (Mr. FOX). It will remedy, I believe, one of the major imbalances in this otherwise pretty good bill, producing savings in energy and money and, in the process, providing some real benefits to the environment.

The amendment that we are offering would shift funds from elsewhere in the bill to add $40 million to the energy conservation and efficiency accounts. That includes a $16 million increase for weatherization, $4 million for State energy grants, another $10 million for building technology programs, and increases of $5 million each for the industry and transportation energy conservation programs in the bill.

These are investments we need to make as a country, because the track record that has already been established shows that they pay off many, many times over. The President's Committee of Advisors on Science and Technology, for instance, has estimated that past investments in these areas have produced improvements in efficiency that are already saving

American consumers $170 billion a year. Even if they have exaggerated this by 50 percent, which I do not believe they have, this is clearly a great return on investment.

It is also not just about money. The companies that, for instance, make home appliances, report that new appliances benefited by the kind of R&D that these programs support use significantly less energy than older ones, 50 percent less for refrigerators, for example. A 1995 study by the Department of Energy shows that well over three quads, that is, I believe, three quadrillion Btu's of energy, can be saved if the department and industry can continue to work in this area to replace old appliances with efficient new ones.

Similarly, experts at the National Renewable Energy Laboratory estimate we can save another 10 quads of energy by the year 2020 if we will accelerate, as these programs will do, if we can accelerate the use of advanced energy efficient building, heating, lighting, and related technologies in new housing and other construction in this country, all of which can be done without increasing building costs.

Transportation is another area where increased efficiency pays off, even when, as now, oil prices remain low. Transportation accounts for fully two-thirds of this country's oil consumption. The Department of Energy and industry are working to reduce this by a million barrels a day which will, in turn, greatly aid in our efforts to bring down air pollution.

There are also immediate payoffs for the weatherization and State grants programs. The Oak Ridge National Labs reports that in 1996 weatherization meant a savings of 33 percent in the gas used to heat weatherized homes while, overall, that program and State energy programs have a favorable cost benefit ratio of about two to one.

We really need to maintain momentum in these areas. That is why, while I regret that I need to suggest to the Members that we have offsets in some other accounts, this will really move the country ahead in dealing with these pressing needs for energy conservation.

The offsets that are included in this amendment include a million dollars from BLM's Wild Horse and Bureau Program and from two of DOE's programs, Oil Technology and Advanced Turbine Research, both of which, I think, do not produce the kind of returns on investment that we have enjoyed in the efficiency and conservation areas. They are not bad programs, but I think it will serve us well to give them somewhat less emphasis while we beef up in these other conservation areas.

In closing, Mr. Chairman, let me just point out to my colleagues, that, while the bill now nominally funds these programs at about $630 million, a big piece of that really is an accounting change from last year's approach. An apples to apples comparison would be $586 million, down significantly from this fiscal year.

By comparison, if we were really just keeping on the course that we were on as recently as 1995, adjusted for inflation, we would be spending about $860 million this coming fiscal year on these programs. I think that would have been a wise investment. But at least let us keep making the progress that this amendment will enable us to make. I urge my colleagues' support for it.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today with the gentleman from Colorado (Mr. SKAGGS) in offering the Skaggs-Fox energy conservation amendment. I have been a strenuous supporter of funding, as many of my colleagues have, for the Low-Income Weatherization Assistance Program and the State Energy Conservation Program funded through the Department of Energy accounts in the Interior Appropriations bill. These programs go to the heart, Mr. Chairman, of the Federal Government's cooperation and community based solution to the needs of the people.

I want to thank the gentleman from Colorado (Mr. SKAGGS) for working with me on this amendment in supporting increased funding for these important programs. I also want to commend the gentleman from Ohio (Mr. REGULA) and his excellent staff for their work on this very difficult appropriations bill.

I am concerned that, under the bill, energy efficiency programs at the Department of Energy will be reduced by $25 million below fiscal year 1998 levels and approximately $200 million under the budget request.

We urge the support of the House for a reallocation of funding within the bill in order to better serve our Nation's energy, economic, environmental, and security needs. This is the most important vote in favor of energy efficiency during the past 5 years, and we need Members' help.

The bipartisan amendment will add about $16 million for the Low-Income Weatherization Program, which helps over 60,000 low-income, elderly and disabled citizens weatherize their homes each year, in both cold and hot climates.

We propose to add back $4 million to the State Energy Program, which produces enormous energy savings for schools, hospitals, and other partners with State government and the private sector. We propose to add another $20 million to energy conservation programs in transportation, buildings, and industry. Major innovations in lighting, windows, building design, industrial energy efficiency, and automotive technology can be traced to these programs. A recent study estimated that these types of programs save our economy over $170 billion per year.

The proposed cuts will actually hurt real people and will hurt our Nation's important environmental, economic, and energy security goals. Weatherization helps low-income Americans through the installation of insulation and otherwise improving the energy efficiency of homes. On average, these improvements can save poor households over $200 a year in energy costs. That can make a huge difference in each family.

The State Energy Program provides leveraging of funds to conduct energy improvements in schools and hospitals so that more money can go into education and health care. This program reaches into small business and homes to reduce energy costs and apply innovative technologies to solve our energy challenges.

Our amendment is supported by a broad coalition, Mr. Chairman, of low-income advocates, business groups, and energy and environmental groups, including the National Association of State Energy Officials, the National Community Action Foundation, the National Association of State Community Services Programs, the National Association of State and Utility Consumer Advocates, the American Council for an Energy Efficient Economy, the Alliance to Save Energy, the U.S. Public Interest Research Group, the Substantial Energy Coalition, the Sierra club, and the list goes on.

I urge my colleagues to support the Skaggs-Fox amendment and place a higher priority on people, our environment, and our national energy strategy.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, once again, this Congress has failed to adequately support energy efficiency programs that work for the American people. This is a failure born of shortsightedness and is particularly troublesome given the challenges our Nation confronts in the next century. With regions around the world competing to develop the most efficient economies possible, we are holding ourselves back in this race by declining to support energy conservation.

The Department of Energy's renewable energy and efficiency programs have been extremely successful. These programs have saved American consumers billions, and I underscore the word billions, of dollars in utility bills. They have made housing more affordable for low and moderate income families, and these vital programs have helped communities nationwide reduce air pollution levels that burden local industry and threaten public health.

The evidence is clear, energy efficiency is a wise investment, an investment with substantial return for consumers, business and the environment.

Every dollar cut from energy efficiency programs represents a lost opportunity to make our buildings and motor vehicles more efficient and less costly for manufacturers and owners. These cuts in energy funding take dollars directly out of the pockets of our constituents.

I believe that the American people want government that works. They want a government that saves money and improves our quality of life. The amendment before us will restore adequate funding for programs that achieve these important goals.

Mr. Chairman, a wise man once said that those who fail to see the forest through the trees are doomed to get lost in the woods. We are lost indeed. I ask all my colleagues to support the Skaggs-Fox amendment so that we may find a way to a cleaner environment and a stronger economy.

I ask simply that we look at the heat waves that are affecting our cities across this Nation, how it is we are handing out simple fans to people and how many senior citizens are suffering because of lack of energy efficiency to the point where they will not put on their air conditioning system because the energy costs are so hard for them to burden. That is but one example across our Nation. From Massachusetts to Illinois to California to Texas and Florida, energy efficiency is important if we are going to deal with global change.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this committee over the last number of years has already reduced the fossil energy funding by 30 percent over the last 3 years. Over the same period, we have increased conservation funding by 14 percent.

I represent an area which has extreme coal reserves. We had 10 years ago 12,000 coal miners. We have today 2,500 coal miners. They do not work in eastern Pennsylvania. They work in western Pennsylvania.

We have done everything we could to increase the efficiency of burning coal. We have 600 years of coal deposits so we are trying to find ways to use this energy resource. We right now are more dependent on foreign oil than we were in 1974 when I came to Congress.

We actually had long lines. We had to line up at a gas station to get gas in part of the time when I first came to Congress because of the shortage. Gasoline prices were over $2.00, and at the time the Saudis told us, you had better increase your fossil fuel research, do it more efficiently or you are not going to have the reserves, you are not going to burn coal efficiently and consequently you are going to depend on us more and more.

We started a program. Because we could not work fast enough, we were not as efficient as quickly as we would like, we have not been able to accomplish our goal. On the other hand, we have come up with what we feel is reasonable funding over a long period of time so that when this oil from overseas dries up, we will have the reserves and the efficient energy from coal that we need.

If we have further cuts in fossil energy, it will result in increased emissions and increased energy consumption due to continued reliance on outdated technology.

We have done a marvelous job over the years in reducing emissions. In the area I represent, in all of western Pennsylvania, as a matter of fact, you had big globs of coal dust and steel deposits, iron ore deposits on the automobiles at one time. We have cleaned all that up. Ninety-eight percent of what goes in the air has been cleaned up substantially, and this has come about because of the research that we have done.

This would be a drastic blow to the areas that are doing research on fossil energy if we were to cut the money from this area to increase conservation.

So I would ask the Members to consider very carefully that we have these massive deposits of coal which we need to increase the efficiency and effectiveness, and the only way we can do it is by fossil fuel research. We want to continue that program. I would hope we would defeat this amendment.

□ 1545

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I just wanted to make clear that the amendment that the gentleman from Pennsylvania (Mr. FOX) and I are proposing does not touch the $113 that is in the bill for coal. It deals with oil recovery research and the gas turbine program, a big piece of which was once managed by Westinghouse, which I think now has been sold off to a foreign company, Siemens. So we are trying to look for the most bang for the buck and are not going after the coal account.

Mr. MURTHA. Mr. Chairman, reclaiming my time, I appreciate what the gentleman is saying. Even though that company was sold off with less than 50 percent to Siemens, it will still be run by an American company. Of course, that research ties in. We are continually trying to work with fossil fuel, oil research and so forth to increase the efficiency of these resources in the United States. So that is the reason I am so concerned about cutting fossil research.

Mr. SKAGGS. If the gentleman would yield further, I do not think we are in disagreement at all about the goal. I believe it can be demonstrated that the kind of payback we get, already demonstrated by technology in use in the economy, has really made a much greater contribution toward oil independence, for instance, than is likely to come from the other programs that we are cutting.

Mr. MURTHA. Mr. Chairman, reclaiming my time, I know the gentleman may think that, but we are over 50 percent dependent today. Then we were 34 percent dependent. So it is all relative, in how dependent we are.

In the short term the gentleman may be right. But, long-term, we could have a breakthrough with one of these research projects and reduce the emissions and increase the efficiency substantially. So we think this is a counterproductive amendment, and we would hope Members would vote against it.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise against the Fox-Skaggs amendment. The committee's recommendation for energy conservation is over $630 million. This is an increase of 14 percent above the 1996 level. By comparison, the other Department of Energy programs in the bill, fossil energy research, Strategic Petroleum Reserve operations and the Naval Petroleum Reserve operations have been decreased by 34 percent since 1996.

The General Accounting Office has been monitoring the use of funds in the Energy Conservation Program and reports that there is more than $265 million in funding appropriated in prior years for energy conservation programs that is yet to be spent by DOE. That is on top of the $630 million recommended by the committee for fiscal year 1999.

I know there are those who say that fossil energy research is bad, but energy conservation and energy efficiency research is good. Let me remind my colleagues that traditional fossil fuels will continue to account for the vast majority of our energy needs for the foreseeable future. Improved technology for extracting and using fossil fuels will do more to improve energy efficiency and reduce emissions than most of the programs funded under the energy conservation account.

The advanced turbine system program has great potential for improving efficiency and lowering emissions. The portion of this program that has traditionally been funded in the energy conservation account receives great support; however, the portion traditionally funded in the fossil energy account does not. That just does not make sense.

Again, we have that old false argument: fossil is bad, conservation is good. The fossil energy research program, the Strategic Petroleum Reserve operation and the Naval Petroleum Reserve operation have all tightened their belts. They are focused; they have

streamlined their operations and substantially reduced their appropriations requirements over the past 3 years.

On the other hand, the energy conservationists have displayed an attitude that "we want to continue to do everything we have done in the past, and any new programs that require more funding." That attitude is unacceptable.

Mr. Chairman, the committee has done the responsible job of providing funding for energy conservation programs. The proposed offsets to increase energy conservation funding are totally unacceptable, and I urge my colleagues to vote "no" and defeat this amendment.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when I was a kid, my mother always told me to work smarter, not harder. For the largest part of the 20th Century, the United States has worked harder, not smarter. We have fought making automobiles more efficient, we have fought making homes more efficient, we have fought making industry more efficient because we felt we lived in a world of inexhaustible energy.

We also believed simultaneously that this fossil fuel or nuclear fuel which we were consuming would have no impact upon the environment. Well, it turns out that there is a negative impact on both the economy and upon the environment if we use fuels that are not as efficient, not as smart, as those that are the best available.

But what has happened over the years is that the energy conservation strategy, one which over the last 20 years since the first oil shock has proven to be very effective as a mechanism for having us rethink our relationship with energy, still is battled by the forces of old energy, shall we call it, and that old energy is so powerful that notwithstanding their dominant role in the provision of energy in our country and around the world, they still believe that they should be beneficiaries of handouts inside of the Federal budget.

Now, what the gentleman from Colorado (Mr. SKAGGS) is offering this afternoon is a very modest amendment, one which will adjust the Federal budget in terms of our priorities so that the energy conservation, the "working smarter, not harder" strategy which does not get the rest of the subsidies, the rest of the benefits that the other more powerful energy industries in America receive, move just a little bit of this money, just a very small amount of the money over into this agenda. This is ultimately the way in which, it seems to me, we should be wanting to deal with Kyoto, that we should be wanting to deal with this global warming issue.

Mr. Chairman, the CO_2 that is emitted up into the atmosphere is a relatively small percentage, yes, of the overall atmospheric gasses, but because it creates a cover over our sky, it creates a greenhouse effect, as the earth's warming sends up these rays which then are reflected back down.

Now, how long do we want to go? How many weather forecasts are we going to have to see before we begin actually investing in an alternative strategy; not displacing the old strategy, but having a better and more sensible mix for the 21st Century?

That is what the Skaggs amendment is all about. It is moving our energy agenda to the 21st Century, so that we have the proper strategy to deal with these environmental issues, and, ultimately, economic issues which will face our country.

So I congratulate the gentleman from Colorado (Mr. SKAGGS) for his amendment, and I hope that it is adopted by all the Members here today. There could be no more important amendment. In fact, if the President was ever going to veto a bill, I would hope it would be over an issue like this, because it is so directly related to the future of our relationship between energy and the environment.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman's support for the amendment. I know the gentleman is extending his remarks to the gentleman from Pennsylvania (Mr. FOX) as well.

Mr. Chairman, I just wanted to make sure Members understood, I am sure the gentleman from Massachusetts does, that these accounts in this bill this year have been cut by about $24 million under fiscal year 1998, and that is a very important fact to keep in mind.

There was some reference to the fact that we had increased funding here. We have not. The bill proposes to cut it by $24 million. The amendment we are offering would make that up plus a little bit more, but it is not as if it is anything more, as the gentleman pointed out, than a modest change.

Finally, I am sure the gentleman's mother instructed him as well that the cheapest energy is the energy you save, which is what this amendment is all about.

Mr. MARKEY. Mr. Chairman, reclaiming my time, the gentleman is absolutely correct. When we pass legislation out here mandating better appliance standards, after all, what is a utility? What is a coal or oil or nuclear power plant? All it is is the combined demand of refrigerators and stoves and toasters. If we make them more efficient, we reduce the need for us to have to pollute the atmosphere for the children of the next generation. Support the Skaggs amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is very important that we get the facts out. The committee has heard all of this and we made a balanced judgment. We already have $265 million in that account for efficiency from prior years that is unspent. You add that to the fact that in our bill efficiency gets twice as much as fossil research. With the $265 million that is unspent, energy efficiency would have three times as much as fossil.

We need balance. Obviously the committee does not quarrel with efficiency, or we would not have given double the amount of money to efficiency that we gave to fossil. But, on the other hand, we want to have some security.

We are spending $200 million a year on the Strategic Petroleum Reserve and the oil that is there. Why? To be secure from oil shortfalls from the Middle East. We fought a war called Desert Storm. Do you think we would have been there had there not been oil under the desert? No way.

So there are a lot of factors that have to be considered. Obviously efficiency is important, but security is also important.

I am struck by the fact that for every barrel of oil we take out, we leave two in the ground. Now, with research on fossil energy, we will improve that record. If we could just get two barrels out for every barrel we leave in the ground, we would have a lot more oil, and we would be a lot less dependent on foreign sources for petroleum.

It is a matter of balance. Efficiency is great, but I likewise say fossil research is great. Some of the money that would be in the Skaggs amendment and the Fox amendment would go to the big three auto makers. Do you think they need to have additional money to do research so they can make their vehicles more efficient? We found out that simply by mandating the miles per gallon, that we are getting the efficiency and competition from around the world that has brought that about. They do not need to have additional subsidies.

Where does this money come from? For those of you that are concerned about the environment, it comes out of the Bureau of Land Management's Wild Horse and Burro Program. That program has enough problems without reducing their funding. Instead of taking money out of that, we ought to see how we can better manage the BLM wild horse program. It takes money out of the turbine program. Why are we spending money on turbine research? So we can use our fossil energy sources more efficiently.

Anyone will tell you we are going to be dependent on coal, we are going to be dependent on petroleum, we are

going to be dependent on the fossil sources. So let us concentrate on not only efficiency, but how to make fossil energy more efficient, in getting it out of the ground and making it available.

The turbine program is very effective, as the gentleman from Pennsylvania (Mr. MURTHA) has pointed out. The other programs in fossil I think are giving us a better handle on resources.

When you look down the road with a growing economy and a growing population, the need for fossil resources will be much larger, and if we do not put money in fossil research, we are going to become more and more dependent on other nations, other sources, for our security, because petroleum is essential to every facet of life.

Therefore, I think it would be very unwise as national policy to not just double efficiency, but because of the $265 million in unspent funds, we would triple it.

□ 1600

I think it ought to be 50–50, frankly. Fifty percent on efficiency, 50 percent on fossil, and perhaps we should have an amendment that takes some out of energy efficiency and puts it in fossil.

Mr. Chairman, we have tried to strike a reasonable balance in the committee, and the Members endorsed this policy as we have it today. I urge the Members to vote "no" on this amendment. Vote for security in terms of our access to petroleum domestically, our access to the more efficient way to use our coal resources, and at the same time recognize that we have a balance in terms of efficiency.

I think the bill is a common sense, responsible approach, and I urge Members to vote "no" on the Skaggs-Fox amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not originally intended to speak on this amendment because it involves dear friends on both sides of the issue. But I had intended to speak on the importance of the fossil energy R&D programs which, in the Committee on Science, which I have the privilege of serving on, we have consistently tried to support over the years. We have recognized the value of increased efficiency brought about by research on fossil energy.

I am also one of the greatest exponents of energy conservation R&D because I understand the importance of saving energy.

So what we have here is a situation which requires balance. Now, on balance, I am inclined to support the position taken by the chairman of the committee. I would point out that what he has had to do in the House is to take a substantially smaller allocation than in the Senate and make that allocation cover in some reasonable way a number of accounts which have to be covered. Now, obviously, his decision is somewhat short of absolute perfection, but I am not sure that we have the wisdom in this body to achieve absolute perfection.

Mr. Chairman, I would point out, as the gentleman from Ohio (Mr. REGULA) said, that the allocation for fossil energy R&D only represents half as much as the allocation for energy conservation, and it may not be wise to take even more from fossil energy R&D in order to increase some of these very valuable energy conservation R&D programs.

I would suggest that we focus on an end-game strategy whereby in conference with the Senate we may be able to reach agreement on some slight increases in both of these accounts. It will not be a great deal, I am sure, but we are about $75 million under what the Senate has appropriated in these 2 areas. I think that the Chairman might be able to figure some way to squeeze an extra few million into these accounts as the bill comes out of the conference so we can come a little bit closer to the Senate figures. This is what I am going to urge and I think it is a reasonable approach.

I would be very concerned if I had to make a judgment between how to divide scarce dollars between these two accounts, because both of them are very important to me. We have had to face a situation where the committee has recommended considerably less than the President has recommended for both of these accounts. If I had my way, I would accept what the President recommends on both of these accounts. However, I am unlikely to have my way.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I have enormous respect for the gentleman's analytic insights in all of this and was privileged to serve on his committee for a few years, so I hesitate to challenge him in this respect.

Mr. BROWN of California. Mr. Chairman, the gentleman hesitates, but he will go ahead.

Mr. SKAGGS. But I will go ahead, Mr. Chairman.

I assume the gentleman does recognize that we are already getting huge payoffs, real money, real energy saved presently from the conservation and efficiency efforts, whereas the prospects for eventual savings down the road for some of these other programs in the fossil area are just that. We believe they will produce these results, but they really do not have anything like the track record on energy saved presently that we are able to get from these dollars going into conservation.

Mr. BROWN of California. Mr. Chairman, I appreciate the gentleman's point of view on this, and I would not quarrel with it, but I would point out that there are other factors here. The gentleman from Massachusetts (Mr. MARKEY), in his usual eloquent way, pointed out that we have a situation here where energy conservation is being battled by the forces of old energy, old energy being of course fossil energy. Well, being sort of old myself, I think I tend to come down on the side of the forces of old energy. There are some old people working in these old energy fields that need jobs.

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. Mr. Chairman, there is a matter of the social dislocation caused by the impact of what we are spending here, and I recognize that, as I think all of us should recognize, that in the long run, fossil energy is what we may have to depend upon when all of the more esoteric forms of energy have contributed as much as they can to our economy.

Coal, as a practical matter of fact, is still the largest source of energy that we have in this country or in the world, and we might as well learn to get the absolute, most effective use of that coal in the long run without neglecting of course the importance of saving energy, which I cannot quarrel with.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, our amendment does not touch coal.

Mr. BROWN of California. I accept that. Now let us get together and fight to get a little bit more money for these accounts when we go to conference with the Senate, and I trust the gentleman from Colorado (Mr. SKAGGS) will be a conferee.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do so to express in the strongest possible terms support for the Fox-Skaggs amendment which will restore needed funds for energy conservation programs, including low-income weatherization. That is very important, if one comes from the northeast part of the United States. Even with these added funds, the programs will still be funded at significantly lower levels than they were 4 years ago.

Now, I know it is not easy to be in the position of the gentleman from Ohio (Mr. REGULA), as the chairman, to deal with all of the competing requests. I think he has done a magnificent job overall, but I think the bill needs a little tweaking and I would think that he would not mind a little tweaking.

These programs are needed now more than ever before. We are actually more

dependent today in 1998 on foreign oil than we were at the time of the Arab oil embargo, and we know even more how burning fossil fuels can harm the environment. That is a serious consideration, and we are in a more competitive economic environment, which makes efficiency of the essence.

These conservation programs take a sensible approach to addressing those needs. They do not mandate any actions; they underwrite efforts that create new methods to save energy, help get those methods put into practice, and particularly important, help poor Americans take advantage of these methods.

Mr. Chairman, I urge my colleagues to do what they have done in the past and restore funding for these important programs. Let me commend the gentleman from Pennsylvania (Mr. FOX), particularly. He has been a real leader in this effort since he first came to the Congress, and I think emphasizing programs that try to demonstrate that government is compassionate and can appreciate the problems of those who are in special circumstances is very important, and the gentleman from Pennsylvania (Mr. FOX), has done that. I think it is also very important to encourage the type of research into energy conservation that we are calling for here.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, would not the gentleman agree, though, that if we spend 3 dollars on conservation efficiency, for every 1 dollar we spend on fossil research, that that is a pretty hefty balance in favor of efficiency. They have to go together, because the boilers, for example, will allow us to burn coal, get more Btus out of a lump of coal, and it gives us more security rather than depending on imports. We are faced with 60 percent of our petroleum coming from offshore here in the very near future, and we do not want that to happen.

Mr. BOEHLERT. Mr. Chairman, that is a cause for real concern, and as my dear friend and colleague knows, I have been a supporter of the clean coal technology program that some of my friends who probably were labeled green are somewhat offended by that, and I never could quite understand the logic.

But let me say in terms of this amendment, this bill here today, the gentleman from Pennsylvania (Mr. FOX), and the gentleman from Colorado (Mr. SKAGGS), have done an outstanding job. They deserve our support.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must rise in opposition to the gentleman's amendment. However well-intentioned, the gentlemen's turbine research offset is unfortunate.

In 1992, the Federal Government entered into a commitment with the Nation's gas turbine developers to develop a new generation of turbine. It would break through the temperature barriers that limit today's turbines; it would be more efficient, it would be more economical, and it would be much cleaner, so clean that it could be placed in the most environmentally constrained regions of the country.

Together, government and industry took the risk, and it is about to yield terrific results. The United States is on the verge of having turbine technology that no competitor can touch. In the coming year, the first prototypes will be assembled. In the year 2000 they will be tested, fulfilling the government's 1992 commitment. By 2001, the United States will be building and using a turbine that will be superior to any other in the world. Once that is done, our Nation will have a large share of what is expected to be a huge and growing market for advanced turbine technologies.

As the program has progressed, the developers who moved forward have been expected to pick up larger and larger shares of the costs. As the concepts have matured, industry's cost-sharing has exceeded 60 percent. Although industry now provides the major funding, our government's commitment must be honored.

If Congress withdraws its support, U.S. leadership in this field will be jeopardized. It is possible the program can be completed without government backing, but no one knows how long that would take, and we would run the risk of having this program caught up, passed up by foreign competition.

But if we honor our commitment, when the program is completed, we will have the best turbine in the market. Government support is still a critical part of this program. It is still a part of our commitment of 1992, and therefore, I urge my colleagues to oppose the amendment.

Mr. DAVIS of Florida. Mr. Chairman, I rise in support of the Skaggs amendment on energy efficiency and conservation programs.

I appreciate the difficulty in balancing the critical needs of our country in preparing the Interior Appropriations Bill for Fiscal Year 1999. However, today I rise in strong support of the Skaggs amendment to restore much needed funding for our country's energy conservation programs. Of particular interest to my home state of Florida is the recommended $10 million increase in funding for building technologies.

The windows and glazing programs, which is funded through the Building Technology Category, provides funding for a promising new technology with enormous energy saving potential for the commercial windows market. I am hopeful that the Skaggs amendment will lead to a funding increase in the windows and glazing programs, which would allow the further development of plasma enhanced chemical vapor deposition (PECVD) techniques for electrochromic technologies. This technology provides a flexible means of controlling the amount of heat and light that pass through a glass surface providing significant energy conservation opportunities. The Department of Energy estimates that placing this technology on all commercial building windows in the United States would produce yearly energy savings equivalent of the amount of oil that passes through the Alaskan pipeline each year.

In recognition of the importance of this technology, the State of Florida has provided over $1.2 million toward the advancement of PECVD techniques for electrochromic applications. The program is being undertaken in conjunction with the University of South Florida and utilizes the expertise and patented technology of the National Renewable Energy Laboratory in Colorado. The State of Florida's program has made significant progress toward making electrochromic windows a reality. This program is an excellent example of successful technology transfer from a national laboratory as well as an example of a successful public/private partnership.

The Florida program is consistent with industry priorities and goals of the Department of Energy's windows program. Earlier this year, twelve other members of the Florida Congressional Delegation joined me in sending a letter to Chairman REGULA and Ranking Member YATES in support of PECVD funding to help further the development of this important technology. A significant portion of our country is experiencing the hottest summer on record. I believe this only helps illustrate the importance of our conservation programs.

Mr. Chairman, I thank Mr. SKAGGS for his commitment to energy conservation in his years in this House, and I urge my colleagues to join me in support of the Skaggs amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Colorado (Mr. SKAGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Colorado (Mr. SKAGGS) will be postponed.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Ohio (Mr. REGULA), chairman of the committee.

Mr. Chairman, today I intended to offer an amendment to provide funding to prevent the spread of a serious threat to our Nation's urban ecology. Action to stem the incursion of these pests is required immediately if we are to control and isolate this ecological hazard.

Humans are not directly threatened by this insect; nevertheless, the flora that makes our communities livable and aesthetically pleasing places to inhabit is imperiled.

The Asian Longhorn is a tree killer. The beetle prefers to gestate in the leafy, deciduous trees that line roads and avenues in urban and suburban neighborhoods. In killing our trees, the beetles implant their larvae in the bark of healthy trees. The larvae feeds off the tree's wood to grow, eventually felling their hosts, and then moving on to repeat this devastating cycle elsewhere.

The ability of this insect to multiply and spread rapidly throughout our entire region is what makes the prompt action of our government, in conjunction with local authorities, so necessary. Currently, a 12-block area on Chicago's north side has been infected with the Asian Longhorn. Local ecologists fear that the zone of infestation may be larger than this area and are currently conducting expansive searches throughout the city to identify other infestations.

Dealing with this threat is no easy task. The remediation of this intruder requires a painful solution. The felling of inspected trees is the only proven means of preventing the spread of Asian Longhorn throughout America.

□ 1615

To date, there is no known usable pesticide to eradicate the beetles.

Sadly, infected trees will have to come down. In parts of New York City, the site of an early infestation last year, more than 1,000 trees were felled to prevent the beetle's spread. The Federal Government provided technical support and $500,000 in assistance to New York with replanting efforts in affected communities.

Mr. Chairman, I urge us to do the same in Illinois. The amendment I intended to offer would have appropriated $1 million for beetle eradication and the replacing of trees in infected areas. I feel strongly that our potential spread of this foreign intruder and the danger it poses to our urban ecology warrant Federal assistance to avert ecological disaster.

Our memory of past ecological disasters should serve us well in rising to the challenges presented by the Asian Longhorn. As all baby boomers remember, our Nation's trees were visited by another alien pestilence in the 1960s. During that decade, Dutch Elm Disease killed hundreds of thousands of graceful elm trees in cities and towns throughout America. The quality of life was diminished. Property values declined.

Since that period, many urban areas have never recovered their forestry resources. We can ill afford another blight of this nature.

In Chicago, an aggressive tree planting program works to make the city green once again. The Asian Longhorn beetle threatens to derail our community's effort to make a beautiful, ecologically safe landscape.

Stopping this pest before it spreads and replacing the trees lost to accomplish this goal are enterprises worth funding by Congress. Future generations will thank us for our foresight.

Mr. BLAGOJEVICH. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from Illinois.

Mr. BLAGOJEVICH. Mr. Chairman, I thank the gentleman from Illinois (Mr. GUTIERREZ) for yielding me this time.

Mr. Chairman, it was in the early 1960s, I think 1963 or 1964, that the United States was invaded by Beatles from abroad. It was a different kind of "beetle" back then. Now, we have beetles in the congressional district that I represent. Asian Longhorn beetles.

Mr. Chairman, let me echo some of the comments that the gentleman from Illinois (Mr. GUTIERREZ) just made. Last week, the Asian Longhorn beetles were found infecting a dozen blocks in the Ravenswood neighborhood in Chicago's North Side in my congressional district. City officials and scientists from the United States Department of Agriculture are still trying to determine the extent of the infestation.

This threat is very real. This beetle came to the United States in wooden packing crates from Asia. A few years ago the Asian Longhorn beetle turned up in New York. It killed thousands of trees and cost more than $4.3 million to kill them.

Experts tell us this invader could wreak the same kind of destruction in Chicago and, if allowed to spread, pose a threat to hardwood forests around the country.

Because this problem was just discovered, we did not have time to work with the subcommittee to find a way to address this issue. But we would appreciate any effort that the chairman could make as this bill goes to conference with the other body to find funding or a way to help the City of Chicago address this problem.

Mr. GUTIERREZ. Mr. Chairman, reclaiming my time, I will not offer my amendment today, but instead will ask that the honorable gentleman from Ohio (Mr. REGULA) chairman of the Subcommittee on Interior of the Committee on Appropriations, encourage the Forest Service to consider the situation in Chicago concerning the Asian Longhorn beetle infestation, and urge the Forest Service to devote necessary resources to eradicate the beetle and help the City of Chicago quickly replace the trees lost during this undertaking.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. GUTIERREZ) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. GUTIERREZ was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I might say to the gentleman from Illinois, I am very sympathetic because Ohio's elms have been devastated by the Dutch Elm disease, which is an infestation carried by beetles. The gentleman understands that limited resources are available to the Forest Service for this purpose. However, I recognize the threat posed by the Asian Longhorn beetle, and we will encourage the Forest Service to examine this situation, along with other similar problems, because one of the things that makes our cities beautiful are the trees.

Mr. GUTIERREZ. Mr. Chairman, I thank the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Interior of the Committee on Appropriations.

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation; and hazardous fuels reduction by the Department of the Interior, $286,895,000, to remain available until expended, of which not to exceed $6,950,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a Bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., Protection of United States Property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $6,975,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $120,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

AMENDMENT NO. 6 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 Offered by Mr. SANDERS:

In the item relating to "DEPARTMENT OF THE INTERIOR—BUREAU OF LAND MANAGEMENT—PAYMENTS IN LIEU OF TAXES", after the first dollar amount, insert the following: "(increased by $20,000,000)".

In the item relating to "DEPARTMENT OF ENERGY—FOSSIL ENERGY RESEARCH AND DEVELOPMENT", after the dollar amount, insert the following: "(reduced by $50,000,000)".

Mr. SANDERS. Mr. Chairman, this tripartisan amendment is also supported by the gentleman from Kentucky (Mr. LEWIS), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Utah (Mr. CANNON), and the gentleman from Michigan (Mr. STUPAK), and does two important things that I believe most Members of this body agree with.

First, it deals with a very serious problem of underfunded mandates, of forcing citizens in close to 1,800 counties in 49 States to pay more in local property taxes than they should be paying because the Federal Government has fallen very far behind in its payment in lieu of taxes on federally owned land.

In my own State of Vermont, over 50 towns in our southern counties are affected, including Bennington, Rutland, Addison, Windham, and Windsor Counties. This amendment addresses the overall problem of underfunded payments in lieu of taxes by increasing funding for this program by $20 million, from $120 to $140 million.

Mr. Chairman, in real dollars, PILT payments to counties and towns all across this Nation have been decreasing for a very long time. In real dollars since 1980, appropriations for payment in lieu of taxes have decreased by nearly $60 million, a one-third decline. And while this amendment will not rectify by any means the entire problem, it will at least allow communities around this country to know that we understand their problem and that we are making some real attempts to address it by appropriating an additional $20 million.

Mr. Chairman, I should add that the authorization level for PILT today is approximately $257 million, over twice the appropriation level. In other words, the authorizers understand the problems facing the communities, but unfortunately in recent years the appropriation process has not followed suit.

Mr. Chairman, the PILT program was established to address the fact that the Federal Government does not pay taxes on the land that it owns. These Federal lands can include National Forests, National Parks, Fish and Wildlife Refuges, and land owned by the Bureau of Land Management.

Like local property taxes, PILT payments are used to pay for school budgets, law enforcement, search and rescue, fire fighting, parks and recreation, and other municipal expenses.

Mr. Chairman, this is the important point that I think has to be made. There has been a lot of talk in this body in recent years about fiscal responsibility and about devolution, respect for counties, towns, and cities; saying we are the Federal Government, we have all the power, but you have got to respect the other agencies of government throughout America.

If we are serious about these concepts, then it is time for Congress to pay its bills. That is what this issue is about. The U.S. Government owns property and we should begin making the payments in lieu of taxes that we are supposed to.

Mr. Chairman, this amendment would begin to address the unfunded mandate by increasing the payments in lieu of taxes program to approximately where it was 10 years ago. That is all we are trying to do.

Mr. Chairman, the $50 million that we are using for these purposes, the purposes include $20 million for payment in lieu of taxes, $30 million for deficit reduction. Over a $5 trillion national debt; this amendment begins to address that issue. The funds would be transferred and offset from the Fossil Energy Research and Development Program.

In this regard, let me quote from the report of the fiscal year 1997 budget resolution, the Republican resolution. And this is what that resolution says:

"The Department of Energy has spent billions of dollars on research and development since the oil crisis in 1973 triggered this activity. Returns on this investment have not been cost-effective, particularly for applied research and development which industry has ample incentive to undertake. Some of this activity is simply corporate welfare for the oil, gas, and utility industries. Much of it duplicates what industry is already doing. Some has gone to fund technology in which the market has no interest."

That is the Republican budget resolution, not BERNIE SANDERS.

I should mention, Mr. Chairman, that over the years we have put $15 billion into fossil energy programs. That is a lot of money.

Let me conclude by saying this. This amendment is endorsed by the National Association of Counties, by the Taxpayers for Common Sense, by Friends of the Earth, by Rural Public Lands Council, by the Sierra Club, by USPERG and Public Citizens.

This amendment is good environmental policy and it is good public policy in the sense that it tells communities all over America that we are going to pay our bills.

Mr. LEWIS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of this amendment to help accomplish what I believe is long overdue, to begin addressing an inequity to the taxpayers in over 1,700 counties whose homes are located near lands owned by the Federal Government.

In fiscal year 1998 my home State of Kentucky is anticipating an estimated decrease of $62,000 in PILT funding to eligible county governments. While I do not doubt the benefits of continued investments in fossil fuel developments, I remind my colleagues that we are looking at an authorized program that is only funded at an estimated level of 46 percent.

In my own district, it is difficult to justify to the good citizen of Edmonson County, the home of Mammoth Cave National Park, that it must accept a decrease in PILT funds while the Congress continues to fund $320 million to research activities and programs that ought to be borne mostly by the private sector.

The fact is PILT funding is critically important to county governments that must rely on these annual payments to provide many basic services to their citizens, from education to solid waste management.

These services, by the way, often benefit the Federal lands and facilities. In fact, Edmonson County today is providing a costly 24-hour ambulance service for the National Park Service, as well as its own residents.

Unfortunately, Edmonson County was one of 56 counties in my State of Kentucky that experienced a decrease in PILT payments in 1997. With an annual budget of $629,000, a cut of $3,000 translates into either reduced public services or higher local taxes. In a county with a per capita income of less than $7,200, the importance of PILT funds cannot be overestimated.

These dollars are stretched to help pay county employees' salaries, administrative expenses, and the modest salaries paid to the local magistrates. At a time when Congress is encouraging State and local governments to accept more responsibility, an increase of PILT payments becomes more essential to help provide public services and much-needed relief to local taxpayers in Edmonson County and the thousands of other counties in which Federal lands are located.

However, let me assure my colleagues that the case of Edmonson County is not a unique situation. Without the increased funding proposed in the Sanders amendment, hundreds of county governments will again be shortchanged by the Federal Government. In the current fiscal year, an estimated 190 counties will have to absorb cuts in PILT funding greater than $100. Even worse, 11 States will see reductions of $1,000 or more.

I want to remind my colleagues that the Payments in Lieu of Taxes Act calls on the Federal Government to compensate local governments to offset losses in property taxes due to Federal ownership of lands within their boundaries. The 105th Congress now has the opportunity to finally honor that commitment and to help reduce our deficit. A vote for the Sanders amendment is a vote for taxpayer fairness.

Mr. HOLDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, not because of the merits of the proposal put forth by the sponsors but because of the offsets that they are proposing.

They are proposing $50 million in reductions in the Fossil Fuel Research and Development Program. I say, Mr. Chairman, we in this country are dependent upon research and development in our fossil fuel program. We have a tremendous problem in this country in that we are dependent upon foreign oil. My colleague, the gentleman from Pennsylvania (Mr. MURTHA), highlighted that a few moments ago.

In the United States we purchase 6.8 billion barrels of oil per year. Half of that is imported. That situation is probably only going to get worse with the recent discovery of oil in the Caspian Sea. We should not be reducing research and development into our fossil fuel program; we should be increasing it.

We now have the technology to convert coal and waste coal into liquid fuels; however, that needs to be perfected. As was mentioned many times during the debate on the last amendment, we have between 300 and 500 million years of coal reserves right here in the United States. That is more in coal reserves than the rest world has in oil reserves. I ask my colleagues to think about that.

Mr. Chairman, if we are going to be dependent upon our coal reserves, we need to invest in research and development so we can perfect technologies that we already know and so we can be looking into the next century to find alternative uses for the huge coal deposits that we have in this country.

□ 1630

I am very proud to represent northeastern Pennsylvania, where we have the largest anthracite coal deposit in North America, arguably the largest deposit in the world. It is a high Btu, low sulfur fuel that we cannot continue to turn our backs on by reducing the investment in research and development in fossil fuels. Because, quite frankly, that is what we have been doing over the last several appropriation cycles.

So I encourage all my colleagues to reject this amendment, to continue to invest in our own natural resources so we can be prepared for the next century.

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank my colleagues, the gentleman from Vermont (Mr. SANDERS), the gentleman from Minnesota, (Mr. OBERSTAR), the gentleman from Kentucky (Mr. LEWIS), and the gentleman from Utah (Mr. CANNON) for their hard work and diligence on this issue.

Mr. Chairman, as a cosponsor I rise in strong support of this amendment, which would restore desperately needed funding for the PILT program. Each year thousands of counties across the Nation lose out on millions of dollars in property tax revenue simply because the Federal Government owns the property. In my district, the Federal Government owns large portions of the land. For example, approximately 70 percent of Gogebic County is in the Ottawa National Forest.

Since the Federal Government does not pay property taxes on its own land, the PILT program was established to compensate our counties for the land the Federal Government owns. Since its adoption in 1976, the PILT program has neither kept pace with its authorized funding level nor with the true cost of providing services in support of Federal lands. In fact, the PILT program is currently funded at less than half of its authorized level.

Rural counties rely on PILT payments to provide essential services, such as education, law enforcement, emergency fire and medical research, search and rescue, solid waste management, road maintenance, and other health and human services that need to be provided on Federal property. Without adequate funding for this program, rural counties will struggle to provide these vital services.

Mr. Chairman, if the Federal Government was required to pay taxes on the property it owns like any other individual or corporation, it would have been delinquent a long time ago for failure to pay taxes. The Federal Government has decided that it is in the best interest of this Nation to own and protect and to keep certain land. This does not mean that we must penalize our local communities because they have the fortune that the Federal Government has jurisdiction over these lands. It is irresponsible for the Federal Government to take these lands off the tax roles and then not justly compensate these local communities.

Mr. Chairman, this is only a small increase in the PILT program, but its impact and importance to rural counties is tremendous. In fact, Mr. Chairman, 49 of the 50 States receive PILT payments. I urge my colleagues to cast a vote for equity by voting in favor of this amendment.

Mr. Chairman, once again I wish to thank the gentleman from Vermont for his authorship of this amendment.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding, and I just want to add one point.

The subsidies for fossil fuels are targeted in the Green Scissors 1998 report, which is supported by organizations representing more than 8.5 million environmentalists, taxpayers and deficit hawks. So this is a popular concept that we are addressing, and I thank the gentleman from Michigan (Mr. STUPAK) for his strong support.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words to speak in support of the Sanders amendment.

Mr. Chairman, this amendment increases payments in lieu of taxes funding for counties and schools by $20 million for fiscal year 1999. More than 20 years ago this Congress recognized a serious inequity that existed in areas containing a high percentage of Federal property. Because the Federal Government does not pay taxes on its own property, these areas were left without any source of funding to provide for local schools and county services.

In 1976, we attempted to correct this inequity and provided funding in the form of payments in lieu of taxes, or PILT payments. However, since providing these payments, this Congress has failed to fully fund the PILT program. Each year 1,789 communities in 49 States lose needed Federal payments due to the failure of the Federal Government to appropriately compensate these communities for lost property tax revenue on federally owned lands. The Sanders amendment corrects this shortcoming and provides an increase of necessary funding for communities in my own State of California.

To put this into perspective, many of the areas that will receive this funding were under water in January of 1997, when midwinter storms caused severe flooding. At that time the State of California suffered approximately $1.8 billion in damage. Each of the 10 counties in my district was declared a natural disaster area. The additional dollars in PILT payments are sorely needed to rebuild after the serious disaster.

There are other reasons, however, to support this amendment. This money goes directly to local schools and rural counties who can least afford any loss of funding. In one California county recent funding losses have forced a school district to completely cut out extracurricular activities, including sports and field trips, food service for one of its elementary schools, library services, two-thirds of its transportation services, all fine arts programs, teacher training courses, its school nurse program and all capital expenditures.

If these same cuts had been made in an urban and inner city area, lawsuits would have been filed and services leveled would have necessarily been restored.

Mr. Chairman, we hear a lot of discussion over the need for Medicare and the need to provide medical services for many of our elderly residents. Before any of our citizens can receive Medicare or Medicaid assistance, they first must have roads to travel on to get to the hospitals, ambulances to carry them in, when needed, and hospitals to go to. By underfunding our rural counties, we have forced these counties to cut back on these kinds of county services.

Other county services that have been cut include search and rescue, law enforcement, snow plowing, bridge maintenance and all local ground support for maintenance of Federal lands. If these county services were to go away, the Federal Government would not have an infrastructure in place to service its public lands. When visitors get lost on public lands, it is the county search and rescue that comes to their aid, and when visitors on public lands need police protection, that need is filled by county services.

Mr. Chairman, I support the Sanders amendment because it gives necessary assistance to counties otherwise left without a source of funding. I urge my colleagues to vote for public schools and county services by supporting this amendment.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from California for his support and for his eloquent remarks. I would just mention, Mr. Chairman, that in terms of the offset that we are talking about, fossil energy programs have received over $15 billion in 1995 dollars in Federal funding since 1974.

Maybe it is about time we pay attention to the counties and the small towns in California and Vermont.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Vermont.

The gentleman from Vermont is attempting to increase funding for the Payment in Lieu of Taxes program to reimburse localities for their lost tax revenue because of national parks, military installations and other Federal lands within their borders. This is an important issue, and the gentleman from Vermont and his colleagues raise some important arguments. I know that in my State of Pennsylvania there are some worthy local governments that are hoping to see a needed increase in their Payment in Lieu of Taxes. But I cannot support this amendment because of what is being cut in order to pay for this.

The fossil energy program at the Department of Energy is very important for the work it does to support cost-shared research and development to make the energy resources we use the cleanest and cheapest they can be. This program is not very well known, except maybe here in the House around July of every year when it seems to be the most convenient and popular offset for a number of other important programs that deserve funding. But the fossil energy research at the Department of Energy is fulfilling the vital function of protecting our energy security, increasing efficiency, and making our energy use cleaner.

Domestically, the simple fact is that U.S. resources, like oil, coal and natural gas, are the main sources we rely on. The Department of Energy's Energy Information Administration reports that 85 percent of our energy currently comes from fossil fuels. This figure will go up, not down, in the coming years. By 2015, 88 percent of the energy we consume will come from fossil fuels. Our national appetite for energy continues to grow and it is expected that by the year 2015 our energy needs will grow by almost 20 percent.

Internationally, in the new post-Cold War world, I think we all know what a wide range of uncertainties that the U.S. faces that have the potential to disrupt our energy imports. Fossil energy research helps make us make the most of our domestic energy resources as well as stretch to the maximum the fuels we do import. Here at home, fossil energy is the biggest thing we have going, so we ought to make the most of it.

Renewable fuel research, solar, wind, geothermal, nuclear, and a lot of other options make a lot of sense too, and I think we should do more work in those areas. But oil, natural gas and coal are what our domestic energy distribution is currently based on, and that fact is not going to change overnight no matter what advancements we make in using other energy sources.

The emerging renewables, solar, wind and geothermal, currently supply less than 1 percent of the energy needs in the United States. I have nothing against these alternative energy sources, and I think they can help diversify our Nation's energy mix, but under any realistic scenario they will only supply a small fraction of our energy needs for the next decades. On the other hand, our Nation is going to rely more and more on natural gas in the future. It is a clean burning fuel, and it can solve many of our energy and environmental problems.

But where are we going to get this gas and how much are we going to pay for it? We still need technological advancements to economically produce the trillions of cubic feet of natural gas located in difficult-to-access geological settings within our borders, and that is the work that fossil fuel research is doing.

There is also coal, our most abundant energy resource. I am sure most Americans do not realize that coal supplies 55 percent of our electricity. Increasingly stringent environmental regulations are making coal power generation and pollution control more expensive. Innovative, low-cost approaches to environmental controls are needed. The efficiency of power generation also needs to be improved to make sure we get every bit of available energy out of the coal we burn.

There is simply no way we can give up the use of our vast domestic coal deposits and yet still keep energy prices affordable and keep our economy competitive. That is also something that the fossil fuel research program is working on.

Finally, the amendment offered by the gentleman from Vermont cuts $50 million from the fossil energy research to pay for only a $20 million increase in the Payment in Lieu of Taxes program. The remaining $30 million would go to deficit reduction. I would like to say that I think we all know there has been a lot of good work on this issue of cutting the deficit, and there is definitely a lot more work to do, but the way this amendment is structured, I am concerned that this may simply be a gratuitous swipe at this year's easy target, fossil energy research, depositing the $30 million in change for deficit reduction.

Fossil energy research offers tangible benefits to the American economy and does not deserve to be viewed in this light. Fossil energy research does not deserve this $50 million cut. Mr. Chairman, I urge defeat of this amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

The splendid argument of the gentleman from Pennsylvania misses the mark. We are not talking about fossil fuel research, we are talking about adequate funding and fair funding of payment in lieu of taxes, and our amendment on this matter in no way is a reflection adversely on the splendid work of the chairman of the subcommittee and the ranking member of the subcommittee.

The gentleman from Ohio has done a splendid job balancing all these interests. We understand the extremely difficult job he has had to do, and we appreciate the consideration for payment in lieu. We are just trying to rearrange the chairs on the deck of Good Ship Regula here.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would say to the gentleman, I think it is money instead of chairs.

Mr. OBERSTAR. Well, Mr. Chairman, the money in the bank of Good Ship Regula, then.

But I was not only an author, original coauthor of payment in lieu of taxes. When I was administrative assistant, my predecessor, John Blatnik, actually wrote the language that became in 1976 the payment in lieu of taxes legislation based on a very simple, elemental principle.

□ 1645

These lands: national forests, national wilderness areas, national parks, scenic waterways, are held in trust for all Americans to use and enjoy. But what about the neighbors to those wonderful national treasures, the neighbors, the communities, the people that live next to them who have to support the services provided for all those national treasures?

Take a look in my own district. Cook County is 82 percent in public ownership. Lake County is 92 percent in public ownership. St. Louis County, which is about the size of the State of Massachusetts, is 62 percent public ownership. That remaining small amount of land held in private hands has to provide the property taxes to support the services for all those 6-million-plus people who come from all over America to see these great national treasures.

We have debated on this floor many times the Boundary Waters Canoe Area Wilderness in the Superior National Forest, land with water so pure that you can paddle along and drink the water right fresh from the rivers and the lakes, and they want it preserved for all Americans. That is terrific. But in order to do that, there are expensive landfills, there are expensive sanitation programs that St. Louis County and Lake County and Cook County all have to support that cost hundreds of thousands of dollars every year.

St. Louis County's budget has gone up $77 million since we enacted the Payment in Lieu of Taxes. That is a 30-percent increase, even with being very frugal. But Payment in Lieu of Taxes has not gone up at all for them.

And yet, when the fisherman with the fish hook caught in the eye from Iowa or Illinois who has gone up there to go fishing needs rescue, it is the St. Louis County, the Lake County and the Cook County sheriff's department and rescue department that are going to have to send the people out to haul those people out of the woods and save their lives. They have to be paid. Those services have to be paid for, and we are not keeping up with the cost.

St. Louis County has 3,000 miles of county roads to support the Superior National Forest and the Boundary Waters Canoe Area and the Voyageurs National Park. They are not getting any increase in funds for those counties to provide the support services that are necessary. That is what this amendment is all about. It is not us against them. It is not Minnesota or Vermont against Pennsylvania. It is all of us together.

It is unfortunate we have had to deal with this account for coal research. But there has been, as has been said previously, billions of dollars in coal research, plenty of money for that and still plenty of money available for it.

What we are saying is, keep faith and trust with the people who live in these national treasures to whom we said, "We are going to help you keep pace."

The value of lands in St. Louis County in those areas that are held in national trust is 27 cents an acre, authorized funding under Payment in Lieu of Taxes. If those same lands were in timber production, as they well should be and could be, they would be valued at $2.59 an acre.

Counties certainly take care of all the road and rescue and fire and safety and other needs of the county to provide for all the services that would be necessary to support that activity. We are not saying return those lands to private commercial development. We are saying keep them in national trust, but also keep our trust with the people who are neighbors to those national lands and let them keep pace. Why should they have to continue to dig ever deeper in the property tax that stretches them too far?

This amendment restores a measure of fairness and equity to all those neighbors of these great national treasures.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to support the Sanders amendment. The offset is not my first choice, but the issue of PILT is so important, I think, to rural America that I am supporting this amendment.

The only thing sure in life is death and taxes. That is for my colleagues and I. But for the Federal Government, for 2 decades I feel they have straight-armed, they have stiffed rural America, because they took lands into public ownership with a promise to pay and have never delivered in 20 years what is a fair Payment in Lieu of Tax payment. The Federal Government today continues to purchase private land and remove it from the tax rolls and continues not to pay its fair share of taxes or PILT.

What happens to my colleagues or I if we do not pay our taxes? Our property is sold, our taxes get paid. Maybe it is time for a Federal land tax sale to pay the debt that I think is owed to rural America. The Federal Government is the largest owner of land in America, where we are approaching 40 percent. We are the most delinquent taxpayer in the history of America.

The Sanders amendment is a small step in the right direction. It does not solve the problem. And the question is asked, what is the impact when land is taken out of the tax base? It is the following: It has been devastating to rural America. Zero economic growth. Zero job creation. No aid for roads, water, sewer, and public schools and local services. A devastating impact.

There are 1,789 counties involved, 49 states affected by this lack of Payment in Lieu of Taxes. Now, in Pennsylvania, where I come from, we pay $1.20 an acre. It was 60 cents in one of the last bills I helped get through. I had sponsored it for 6 or 8 years. I gave up sponsorship to get a House bill through the Senate, doubling it to $1.20.

Now, we own 840 million acres approximately. If we were paying $1.20, the bill would be in excess of a billion dollars.

Now, someone mentioned a few moments ago that this included military bases. That is not true, if my understanding is correct. There is impact aid which got a $40-million increase, a different budget or different part of the budget, different appropriations bill. But it is urban and suburban and it has been increased with some regularity and they get $640 million.

Now, as I look at it, when we remove property from the tax base of rural America, with no chance of economic growth, military bases bring jobs to the community, they bring stimulus to the community and the spin-off is tremendous, yet we are giving them $640 million. And that is a fairness issue.

For two decades we have underfunded PILT. In 1994, when PILT was reauthorized, Congress developed a 5-year phase-in to make up for the forgone revenues caused by 17 years of inflation and they raised the authorization to $255.5 million for this year. Despite those good intentions, we are still stuck at $120 million, which is inadequate for the communities that have been shortchanged. $135 million is needed just to bring us to level funding.

The Sanders amendment gives us a shot in the arm. I am from the East and I know this is a Western issue, but it affects Pennsylvania and it affects this country. Public land owners need to contribute to local services, and for those of us who continue to support more and more ownership of land by

the Federal Government, it is time to pay up.

Too often issues affecting rural America are overlooked and subsequently underfunded. I am here to say today, as a new Member of this Congress, it is no different than when I went to the State senate. Rural America has been getting the short end of the stick in a lot of ways, and this is just one of them, because they do not have the united voice of urban-suburban America.

It is time for the Government to pay up or turn back to the States or local governments this public land. And if we continue to not pay our share, maybe it is time for a tax sale, where we sell some of the Federal land to pay the tax base back to the local governments where it should be in the first place.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman for his perceptive remarks. He is right on the money, and I would again reiterate that since 1974 the Federal Government has put in over $15 billion in fossil energy research while we are shortchanging rural America.

According to the CBO, the beneficiaries of the Petroleum Research and Development program are some of the largest multinational corporations in the world, including Exxon, Chevron, Conoco, Texaco, Amoco, Phillips Petroleum, etc., shortchanging rural America, providing corporate welfare for large corporations that do not need it.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I ask the gentleman, does Allegheny National Forest get many visitors?

Mr. PETERSON of Pennsylvania. Reclaiming my time, yes, it gets visitors.

Mr. REGULA. If the gentleman would yield further, do the visitors spend a lot of money in the communities?

The CHAIRMAN (Mr. LATOURETTE). The time of the gentleman from Pennsylvania (Mr. PETERSON) has expired.

(By unanimous consent, Mr. PETERSON of Pennsylvania was allowed to proceed for 1 additional minute.)

Mr. PETERSON of Pennsylvania. Mr. Chairman, this would not affect the Allegheny National Forest. The PILT payments do not affect the Allegheny National Forest. They affect some other land in my district.

To the gentleman from Ohio (Mr. REGULA), who I consider a good friend and an outstanding chairman, I think the PILT issue does not really affect the NF because they get timber payments. But it is so unfair, when we have taken all of this land out of the local tax base across this country. I am arguing for it for fairness for rural America.

I come from the most rural district east of the Mississippi, and I will be tough on rural issues. I just think somehow this Congress has to pay up at some point in time and pay what should go back to local communities.

Mr. REGULA. Mr. Chairman, if the gentleman would yield further, would he favor putting this public land on the market and getting it back in the private sector?

Mr. PETERSON of Pennsylvania. Mr. Chairman, reclaiming my time, I think there is public land owned in America, yes, that should go back. It would be better served in local communities' ownership, local, State government, yes.

I think the Federal Government should not own 40 percent of America. I think we own too much land, and we have been accumulating it for decades, and that is a policy that should change.

Mr. KLINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was not planning on coming here to speak on this, but I have to. Simply sitting back in my office and listening to this discussion, my feelings, and the time that I worked with the gentleman from Vermont (Mr. SANDERS), my feelings for him are of great affection and normally I am on the same side. And in fact, as it comes to the Payment in Lieu of Taxes issue, my heart is with him.

However, when they come after the fossil research, we are in a situation right now, I happened to be in Kyoto last December, and everybody is jumping up and down and screaming to us that the sky is falling, that we have to come up with alternative methods and cleaner methods of providing energy.

I thought that the Skaggs amendment was interesting, because we were talking just previous to this about the comparison of conservation to doing clean fossil fuel technology. And the fact of the matter is, in conservation we can only do so much. It takes energy to run the world. It takes energy to run industry, to run our everyday lives. With conservation, we can do a lot but we can only do so much.

The question then is going to be where will this energy come from? Will it be from domestic production? We have got so much coal, and if we have the ability, the fact of the matter is, yes, we have spent a lot of money on fossil technology and we have not hit the home run yet, but we are getting closer and closer every day.

Just yesterday on the way down here I traveled through the district of the gentleman from Pennsylvania (Mr. GOODLING). I was down at Peach Bottom Nuclear Power Plant. And the fact of the matter is that even those who are proponents of nuclear energy say that they realize we are not going to build in our lifetime any more nuclear power plants. And right now we happen to have cheap oil. So at a time when 85 percent of the energy of this Nation is coming from fossil fuels, the question is where are we going to go?

And by the year 2015, as my friend the gentleman from Pennsylvania (Mr. DOYLE) and others have said, we predict it is going to be up to 80 percent of our fuel usage from fossil fuel. We are going to see more and more nuclear power plants come off line.

So if in fact global warming is a reality, how are we going to deal with this? How are we going to develop the kind of technology that is going to let this Nation be self-sufficient?

Everyone wants to go after the fossil fuel technology. That is what is running this country. And, yes, I come from the coal fields of southern Ohio. I come from the coal fields of southwestern Pennsylvania. I lived in those two States almost all of my life. My family were miners of coal. And it was their labors beneath the soil of this country that gave this energy, this cheap energy to this country that allowed the industrial revolution to move forward. It allowed us to have the kind of life-style that we enjoy and have the power that this great country has today, because they went under the earth to dig that coal. And now we want to say to them, forget about it. We have got a problem with Payment in Lieu of Taxes. Let us forget about the coal miners.

I am going to tell my colleagues what. When those capitalists in other parts of the world, like the Middle East, finally figure out how to get control of us, when they finally figure out how indeed they can hold us hostage like they did in the 1973 oil embargo, in the 1979 oil embargo, I sat in those lines, as many Members here did, waiting for fuel. We could get fuel on odd days if we happened to have an odd number, in even days if we happened to have an even number. We forgot about that because the price of oil has gone down.

□ 1700

But now we are going to attack the fossil fuels in order to solve a problem that has nothing at all to do with the fossil fuels.

If in fact we are worried about global warming, if we are worried about having a certain style of life for our children and their children's children, we have to continue to invest in this technology. For the foreseeable future, we are dependent upon these fossil fuels. There is no way around it.

I wish that my friends, who have a very valid point on payment in lieu of taxes, would have come up with a different offset. I would like to be able to

support them. But what they are doing, I think, in my estimation is wrongheaded, and I would urge the Members of this House to soundly reject my friends' amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important that we get the facts out. I understand the concern of my colleagues who would like to have more payment in lieu of taxes, but let me point out that their public lands generate an enormous flow of visitors, all of whom spend money and pay taxes on the purchases they make which flow to the respective governments. Two hundred seventy-eight million visitor days in the Park Service, 850 million visitor days in the Forest Service, 30 million visitor days in the Fish and Wildlife, 65 million visitor days in BLM.

Let me point out something else. This committee has cut fossil energy research by over 30 percent over the past 3 years in spite of the fact that we have become less secure as far as our energy needs. At the same time while we were cutting fossil research by 30 percent, we were adding 18 percent to PILT.

It would be nice to have more PILT money obviously, but we have to strike a balance. We have to be less dependent on other resources around the world. We have to make our country's energy secure. None of this will mean anything if we do not have security as far as the access to energy.

Electric utilities have made dramatic reductions thanks to fossil research. Let me point out that the fossil research is all matched. It is not all Federal money. That is the reason that the gentleman's amendment puts $20 million into PILT but takes $50 million out of fossil, because PILT spends out every dollar. Fossil will be spent out over a period of years as the research develops being matched by the private sector. This is not an unfunded mandate that we are addressing. That is an erroneous use of a term. This is giving counties money to compensate.

These Federal lands do not send children off of the lands into the school system. They do generate an enormous flow of money from the visitors that come into the communities. Therefore, I think it is important that we keep the fossil programs going.

EPA is proposing to reduce the small particulate requirement from 10 to 2.5 PM. That is .04, the diameter of a human hair. How are we going to get to these mandates, imposed by EPA unless we continue a program of fossil research? Keep in mind we have reduced it already 30 percent over the 3-year period while we were increasing PILT by 18 percent. In 22 eastern and midwestern States, the regulations will require a reduction in ozone and smog. How are we going to keep these plants operating unless we continue the research?

Certainly, the private sector is committed to this. They match the money that we put into energy research dollar for dollar. I think it is vitally important to this Nation's future that we maintain this research in fossil. The new regulations are going to cost utilities $7 billion. You talk about cost to your taxpayers if we do not give them more PILT. They are going to pay it in the electric bills if we do not do the fossil energy research.

One of the great values of fossil energy research is the fact that we are holding down the cost of gasoline at the pump. We are holding down the cost of electricity, items that contribute substantially to the cost of living. That is a benefit to everybody in the United States. We have the world's strongest economy today on a per capita basis. Why? Because we have cheap energy, because our industries have modernized, because the people in this country work hard and they work smart, as one Member said earlier. But to do this we need to support the fossil energy research programs. I do not think it makes good sense in terms of national policy to reduce energy research further. We already are cutting it by 30 percent over the past 3 years.

I understand why the Members who have public lands would like to have more money for their programs. But nevertheless we have to strike a balance. That is what we have tried to do in this subcommittee.

I would urge Members to vote against this amendment. I do not think it is responsible public policy in terms of the 265 million Americans that would be affected adversely by failure to continue a strong program of fossil energy research.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

The Clerk will read.

The Clerk read as follows:

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $98,407,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys

collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

Section 28f(a) of title 30, U.S.C., is amended by striking beginning with the words "The holder" and continuing through "$100 per claim." and inserting in lieu thereof: "The holder of each unpatented mining claim, mill or tunnel site, located pursuant to the mining laws of the United States before October 1, 1998 shall pay the Secretary of the Interior, on or before September 1, 1999 a claim maintenance fee of $100 per claim site.".

Section 28g to title 30, U.S.C., is amended by striking "1998" and inserting in lieu thereof "1999".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $607,106,000, to remain available until September 30, 2000, except as otherwise provided herein, of which $11,648,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided*, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: *Provided further*, That not to exceed $6,256,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsections (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: *Provided further*, That hereafter, all fees collected for Federal migratory bird permits shall be available to the Secretary, without further appropriation, to be used for the expenses of the U.S. Fish and Wildlife Service in administering such Federal migratory bird permits, and shall remain available until expended: *Provided further*, That hereafter, pursuant to 31 U.S.C. 9701 and notwithstanding 31 U.S.C. 3302, the Secretary shall charge reasonable fees for the full costs of the U.S. Fish and Wildlife Service in operating and maintaining the M/V Tiglax and other vessels, to be credited to this account and to be available until expended: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $66,100,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $30,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $15,000,000, for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $12,700,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,400,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated to the African Elephant Conservation Fund, Rewards and Operations account, and Rhinoceros and Tiger Conservation Fund may be transferred to and merged with this appropriation: *Provided further*, That in fiscal year 1999 and thereafter, donations to provide assistance under section 5304 of the Rhinoceros and Tiger Conservation Act, subchapter I of the African Elephant Conservation Act, and section 6 of the Asian Elephant Conservation Act of 1997 shall be deposited to this Fund: *Provided further*, That in fiscal year 1999 and thereafter, all penalties received by the United States under 16 U.S.C. 4224 which are not used to pay rewards under 16 U.S.C. 4225 shall be deposited to this Fund, to be available to provide assistance under 16 U.S.C. 4211: *Provided further*, That in fiscal year 1999 and thereafter, not more than three percent of amounts appropriated to this Fund may be used by the Secretary of the Interior to administer the Fund.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 104 passenger motor vehicles, of which 89 are for replacement only (including 38 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the report accompanying this bill: *Provided*

further, That hereafter the Secretary may sell land and interests in land, other than surface water rights, acquired in conformance with subsections 206(a) and 207(c) of Public Law 101–618, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund and used exclusively for the purposes of such subsections, without regard to the limitation on the distribution of benefits in subsection 206(f)(2) of such law: *Provided further*, That section 104(c)(50)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361–1407) is amended by adding the words "until expended" after the word "Secretary" in the second sentence.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANFORD:

Page 16, after line 17, insert the following, and renumber all lines accordingly:

TECHNICAL CORRECTIONS

(a) UNIT SC–03.—(1) The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in paragraph (2) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled "Amendments to the Coastal Barrier Resources System", dated May 15, 1997, and on file with the Committee on Resources of the House of Representatives.

(2) The map described in this paragraph is the map that—

(A) is included in a set of maps entitled "Coastal Barrier Resources System" and dated October 24, 1990; and

(B) relates to unit SC–03 of the Coastal Barrier Resources System.

(b) UNIT FL–35P.—(1) The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in paragraph (2) as are necessary to ensure that depictions of areas on the map are consistent with the depictions of areas appearing on the map entitled "Amendments to the Coastal Barrier Resources System", dated October 22, 1997, and on file with the Committee on Resources of the House of Representatives.

(2) The map described in this paragraph is the map that—

(A) is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(B) relates to unit FL–35P of the Coastal Barrier Resources System.

(c) UNIT FL–35.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, revise the map depicting unit FL–35 of the Coastal Barrier Resources System to exclude Pumpkin Key from the System.

Mr. SANFORD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SANFORD. Mr. Chairman, this is a technical correction that has been brought to our attention by the Fish and Wildlife Service. It is one offered by myself and the gentleman from Florida (Mr. DEUTSCH). It is one that has been discussed with the majority and the minority without objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,333,328,000, of which not to exceed $12,500,000 may be used for salaries and expenses of the Denver Service Center, and of which not less than $600,000 is for salaries and expenses associated with new hires of mineral examiners at the Mojave National Preserve, and of which $12,800,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $10,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $41,939,000, of which $4,500,000 is for grants to Heritage areas in accordance with section 606 of title VI, division I and titles I–VI and VIII–IX, division II of Public Law 104–333.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California:

Page 17, line 22, after the first dollar amount insert "(increased by $2,000,000)"

Page 37, line 10, after the first dollar amount insert "(decreased by $2,000,000)".

Mr. MILLER of California. Mr. Chairman, I rise to offer this important amendment to the Interior appropriations bill which will provide urgently needed recreation and after-school opportunities for our Nation's youth. This amendment will rejuvenate the Urban Park Recreation and Recovery Program, or UPARR program which has languished for the last couple of years.

The UPARR program, the Urban Park Recreation and Recovery Program, provides competitive matching grants of up to $200,000 to local communities to help them design programs to meet youth recreation needs. Research shows that many of our most serious youth-related problems, including juvenile crime, drug use, gang activity and teenage sexual activity occur most frequently during the hours immediately after the end of school when 5 to 7 million children go home alone every afternoon. The Urban Parks Program helps local communities to fund programs to reduce juvenile crime, to provide safe havens for our youth and to offer constructive academic or recreational opportunities after school. That is why the Urban Park Program is supported by the U.S. Conference of Mayors, the Sporting Goods Manufacturers Association, the National Association of Police Athletic Leagues, Major League Baseball, the National Recreation and Park Association and the National Council of Youth Sports. Many other organizations support this effort.

This program enables and makes small grants to communities to try to recover, to revitalize, to rehabilitate the recreational facilities in their communities so that they will then be able to offer young people an alternative to doing nothing or to getting into trouble in after-school hours and on the weekends. This is an effort to try to reclaim a baseball field, to try to reclaim maybe a tennis court, to reclaim a recreational area for young people, swimming pools, bathhouses. Very often some of our older facilities have fallen into disuse. They have not been kept up. Now, what we see is in partnership with organizations like the Professional Golf Association, in partnership with the National Basketball Association, with the Sporting Goods Manufacturers, with Major League Baseball, we are coming together, attracting private money with these grants to revitalize these recreational facilities.

This money is offset because I take it from an account where we are giving $11 million to the Northern Mariana Islands, and I am reducing that by $2 million for the purposes of the Urban Parks and Recreation Program. I am doing that because the money that goes to the Northern Marianas to date, they have been unwilling to match that money and that is a requirement of that money. Yet what we see is communities all over the country seeking to match the money from the Urban Parks Program. They have put up their money, they have gotten local sponsors, they have gotten the private sector to buy into these, and they want to use the money. But we see an account with respect to the Northern Marianas where there is over $80 million that is sitting there, sitting in their account, and they are unwilling to match it and now we are going to add another $11 million.

What I am suggesting is we would be better to give that money to the city of Phoenix or to Pueblo or to Bridgeport or to Savannah or to Peoria or to Kokomo or Kalamazoo, where these communities are hungry to do something

for their young people, they are hungry to try to combat crime problems, to combat drug problems, to create sporting activities, to create sporting teams, to create academic programs combined with sports programs so that young people will have these kinds of alternatives.

□ 1715

Rather than have this money languish in an account where the recipient of the money refuses to match it, we ought to give it to those communities that they are seeking to match it.

There is a huge backlog of communities that are desiring this effort that have gone out and made the push, made the push within their private sector to gather resources to get in-kind contributions or to get monetary programs that have worked with citizen programs where people volunteer to rebuild, to paint facilities, to recapture much of what many of us have experienced when we grew up when we knew the importance that recreation played in our childhood, and teaching us the rules of sportsmanship, and teaching us the discipline of practice, and teaching us how to engage with other individuals, and giving us productive time to use when we were not in school or not engaged in other activities.

That is why it is important that we adopt this amendment. It will not harm. It will not harm the account with respect to the Marianas because, as I pointed out, they have a huge backlog of money that they have been unwilling to match for the purposes for which Congress has appropriated that money.

So I would urge my colleagues, many of you have heard from your mayors, many of you have heard from the sporting good manufacturers, many of you have heard from volunteer organizations in your communities that are struggling, struggling to try to rebuild and recapture and revitalize these facilities.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Mr. Chairman, we owe it to our children. We now understand, there are studies, there, you stack them up, they are taller than I am, that tell us the most important time to capture the time of young people is that time from after school until the time that their parents or guardians come home. That is when most of the crime is committed by young people. That is when young people get into trouble most of the time.

But in many, many communities, and if you look at the list of the communities that are making applications for this program, in many communities they simply do not have a constructive alternative to offer to these young people.

We have done this with the UPARR program. We can continue to do it with the UPARR program, and we can do it in the constructive fashion so that we can take advantage of the energies of these young people and the willingness of the local communities to come up with the matching money, to come up with the local energy to create these facilities. I would hope that the House would approve this amendment, and I ask for an aye vote on this amendment.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

The gentleman from California (Mr. MILLER) has said we have heard from the manufacturers of tennis rackets, from the manufacturers of basketballs, tennis balls, guns, you name it, all these sporting goods outfits. Now we are going to hear from the people that work in the parks, that work in the forests, that work in the fish and wildlife, that work in BLM, and I am going to speak for them.

The gentleman is asking them to fix the roof in their spare time. He is asking them to go out and repair bridges in their spare time. We saw that when we were out in Yosemite. The employees told us "we did a lot of the work here to offset the damage from the big flood ourselves in our free time."

We had oversight hearings this year. We have $10 billion, not million, $10 billion of backlog maintenance. That is not my number. That is a number from the Director of the parks, from the Director of the Forest Service, from the Directors of the Fish and Wildlife Services, and from BLM, $10 billion of maintenance left undone.

One of the people testified that, for every dollar of maintenance that is neglected, it costs $5 down the road. Let us not take money out of these programs. If we have extra money, let us address the backlog maintenance. Let us not worry about manufacturers of tennis rackets or baseball bats.

That is what UPARR is. Build tennis courts. Build baseball fields. It is nice. But 47 States have surpluses. It is about time for them to come into this program. Let the States work with the local communities to provide these recreational facilities. I have not had any State offer money to deal with backlog maintenance on Federal lands. If you want to take care of those precious crown jewels that we keep talking about, we need any extra money that we have to be spent on backlog maintenance.

Mr. Chairman, I yield to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding. Nobody has been more diligent in trying to warn this Congress and the country about the backlog in the national parks and in the public lands with respect to maintenance and even, to some extent, and clearly, in acquisition.

But let me say that is not the competition that this amendment is. This is money that is put into an account for the Northern Marianas. They have been unwilling over the last several years to match that money; and there is now, according to the budget, about $80 million sitting in that account.

All I am suggesting is that we take that $2 million and help these cities. People are volunteering their time here. I work every weekend with organizations and try to help organizations that are paying for the ball fields and trying to recover these facilities so that they can use them for their children. So we are not matching volunteers here. We are matching an account that has more money in it than they can possibly use as opposed to this program where people can use it for recreational opportunities for the young people.

Mr. REGULA. Reclaiming my time, I understand the gentleman's point. Frankly, since the gentleman mentioned it, I am going to take a quick look at that and see if we cannot get that $80 million to put into backlog maintenance. I think that is a wonderful idea.

Mr. MILLER of California. Mr. Chairman, I would support the gentleman. We can do it right now.

Mr. DICKS. But, Mr. Chairman, if the gentleman will yield, why does the gentleman not, for the gentleman's diligence and good work, at least give him the $2 million?

Mr. REGULA. Mr. Chairman, I am going to suggest to the National Governors' Association that they adopt the Miller amendment. I think, with their surpluses and all but maybe a handful of States, 47 to be exact, they ought to take care of this. I do appreciate the gentleman calling to my attention this money that is available.

Mr. MILLER of California. Now the gentleman is going to steal the money from me. No good deeds go unrewarded.

Mr. REGULA. It could end up with about $9 billion of backlog instead of $10 billion if we can get that $80 million the gentleman has been telling us about.

I realize it is not exactly apples and oranges. But all I am saying is that, when we are faced with $10 billion in backlog, when we are faced with our employees who are spending their free time, many of them, doing this work in our public lands facilities, I do not think we should start building tennis courts and golf courses and baseball fields in our communities. That is a local responsibility.

Mr. MILLER of California. I appreciate that.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, we can make that argument

about a lot of efforts. But when we address the crime bill and we are looking at the priorities, this was one of them. The point is, this provides, you know, a small match that brings together a lot of private resources and some public resources at the local level. The governors of the State, unfortunately, this is not on their agenda. These are a lot of cities that are trying to provide some local recreation opportunities.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 30 additional seconds.)

Mr. REGULA. Mr. Chairman, I would suggest that this ought to be in the crime bill.

Mr. MILLER of California. It was.

Mr. REGULA. I think that is a logical place to put it rather than to take money from our parks and our forests.

Mr. MILLER of California. I am not taking them.

Mr. REGULA. I understand, but the gentleman from California is not offsetting. But if that money is available, we would like to get it and use it for public lands.

Mr. MILLER of California. But that is not my amendment.

Mr. McDERMOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Miller amendment. Not to get into a fight with the chairman or anyone else, but I think that, in other parts of this budget, we are taking out all the money for summer jobs in this country.

We are looking at cities filled with kids where, on the one hand, we are not going to help them get a summer job, and, on the other hand, we are not willing to put some money to invest in recreational facilities so that they can be involved in organized activities that will keep them out of difficulty.

We all know from our own childhood, if not from someplace else, that idle hands are the devil's workshop. I remember in the crime bill discussion, we had an awful lot of people out here jumping up and down saying that midnight basketball was not a good idea. But if we go by the places even in this city at night where there is a light and a hoop, we will see kids playing basketball. I think we would rather have them doing that than some of the other things they can think of doing.

For us to take $2 million out of $80 million that is sitting somewhere being unused because we have a law that says we have to put the money in there, we made some kind of deal, but they never match it. I am up here because Seattle put in a grant for $250,000, and we know how to use it. We have got the matched money ready to go, but we would like access to this money.

I think there are cities all over this country where, whether you like it or not, as we have devolved programs from the Federal level down to the State level, there are lots of States dealing with lots of things they did not use to deal with, so they are unwilling to take care of the needs of cities.

If somebody does not take care of the needs of cities, we are going to be in serious trouble in this country. So I urge the adoption of this bill.

Mr. DICKS. Mr. Chairman, will the gentleman yield to me for a brief moment?

Mr. McDERMOTT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, since the gentleman mentions Seattle, Washington, I wanted to point out that in the past, funding has also contributed to the development of programs and projects such as the innovation project established in Tacoma, Washington. The goals of this innovative project were to provide at-risk youth alternatives to gangs and drugs through participation in outdoor recreation activities and to develop life skills such as self-esteem, leadership, decision-making and cooperation.

The program was designed to operate as an extensive partnership involving professionals from the disciplines of parks and recreation, education, city government, social services and criminal justice.

It was designed to operate year round with expanded activity during the summer months and over extended holiday periods. Youth participants were involved through various avenues such as schools, home school associations, youth service agencies, and neighborhood community centers.

The program has provided various activities such as backpacking in Olympic National Park; whitewater rafting on the Thompson River in British Columbia; cross-country skiing in Mount Ranier National Park; winter camping, inner-tubing and snow shoeing in various winter sports areas; water safety instruction; fishing, canoeing, boating and swimming, mountain packing on designated State and Federal lands; weekly environmental education outdoor skills workshops, leadership training for advanced youth participants and youth hosteling and meeting travelers from around the world.

I have listened carefully to my chairman, and it seems to me for this small investment if we can do and provide more opportunities for kids after school to be in programs like this, and if the Park Service can play a role in this, I certainly support the gentleman from California.

I will work as hard as anyone on the backlog, but if we have got $80 million sitting in a trust fund and the chairman can get $78 million of it for the backlog and we can get $2 million for this urban recreation thing, I think that is the kind of program the American people support. It is prevention of crime that we should be focusing on, and having some opportunities out there through this bill seems to me to be a good idea.

I appreciate the gentleman yielding.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, on the point both he and the gentleman from Washington (Mr. DICKS) have made, if we go back into our childhoods, we all know the value of a coach, the value of the mentor, the value of the after-school recreation director that helped us get over some trouble spots when we were young children, when we were adolescents. That opportunity and that relationship is being denied to too many children today in America.

This is a small effort. This is not going to solve a problem, but this has been an effective effort when we put the money into it. Unfortunately, the last couple of years it has languished, and I just think it is an important one that should be embraced by the House.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment of my good friend and colleague, the gentleman from California (Mr. MILLER). People should understand what is going on here, and again I will have to say that my understanding is limited as well, but my understanding of what we are talking about is an agreement that was reached with the Northern Mariana Islands as part of a change of their status that they used to be like all the other people who were appendages of the United States but they were not independent, nor were they States.

In order to change their status and become not dependent on American welfare programs and not dependent on other social benefit programs, they decided to become somewhat independent and have more of a free enterprise approach to their economy.

Part of the agreement that we made with them was to provide them certain infrastructure projects that cost a certain amount of money, and what we are talking about here is breaking an agreement or not setting aside the funds that are necessary or taking advantage of funds that may or may not be available that are in contradiction, and this is in contradiction to an agreement we have reached with these people in the Northern Mariana Islands.

This stems from and, again, the gentleman from California (Mr. MILLER) and I have an honest disagreement on this, as do Republicans and Democrats have honest disagreements, as to what labor policy should take place in the United States but also in the Northern Mariana Islands.

□ 1730

I happen to believe in a less regulated society and less regulations dealing with labor law, and the gentleman from California (Mr. MILLER) believes in more regulations for labor law to protect the interests of labor and protect the interests of various working people. I disagree with that philosophy. That is not the philosophy of the Republican Party, but I respect the concern of the gentleman from California (Mr. MILLER) about that.

Unfortunately, the amendment we are talking about now, however, based on this opposition to this labor policy in the Northern Mariana Islands, is negating an agreement that we have reached with those islanders in order to have a change in their legal status.

I would suggest that this is not the fair approach, not a judicious approach. Even though it can be argued that the funds may be better spent someplace else, an agreement has been reached. We would not want to break any other agreement with any other peoples around in order to fulfill these same obligations and opportunities for spending money that have been talked about today.

So I reluctantly rise in disagreement, but I understand the honest philosophical motivations that the gentleman has in making his approach.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I would just say to the gentleman, two points. One, I have been working on UPARR for many years, both on the resources side and on the crime bill side, and the only reason we are tapping this account is that this account is now building up an amount that is supposed to be matched on an annual basis. It has not been matched for the last several years, so we are just putting money into an account, when money is now hard to come by. It has $80 million in it unmatched, and to take $2 million for this fiscal year, if they spend the money, there is no harm to them. But there is no indication they can spend anywhere close to the $80 million because of the matching requirement that other communities have. It is an effort to try to address the crime problem here and use the money without harm.

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, I think it is clear that the gentleman is accomplishing two things with one move, and that the gentleman honestly disagrees with some of the labor practices on the Northern Mariana Islands and is able to express that through this amendment, which also transfers funds to a program that the gentleman appreciates.

However, I would say that I oppose this amendment still, but understand my colleague's desire in this attempt. But I would oppose it, because, number one, I do disagree with his theory on labor practices, as is happening in the Northern Marianas; and, number two, I would think we should make sure if we have reached an agreement with the Northern Mariana Islands and it takes a certain amount of money to fulfill that agreement, that we keep that in the budget so we can fulfill our pledge, rather than trying to do other things.

There are many other things we can do with this money that we can argue are very beneficial to the people of the United States, but we made an agreement with these people and we should keep it. So I oppose the amendment.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to say a few words in support of the amendment which would place $2 million in the Urban Recreation and Recovery Program. I think the gentleman from California (Mr. MILLER) has done something very good here, and I think the House recognizes there is no one among us who is more expert about this particular program, the value of it, the efficacy of the work that is done through this program and the need to put money into it.

The gentleman from California (Mr. MILLER) has identified a source of funding which is not going to hurt anyone. The $2 million out of this $80 million from the Northern Mariana fund is money which is not being used. There is no likelihood this money is going to be matched by the Northern Marianas at any time in the near future. This is a very good program, and we really need to be funding it.

There is a great deal of willingness on the part of many Members of the House, it seems, to spend money on prisons, but not as much willingness to spend money on parks; not as much willingness to spend money on prevention, rather than waiting until after the problem has arisen before we deal with it. That, I think, is a very serious mistake.

There has been a recent study that was done by the Federal Bureau of Investigation that said that if young people, high school age, are going to get into trouble, they are going to do so in those hours right after school lets out, the hours between 3 and 7 o'clock or so in the evening.

One of the reasons people in those situations get into trouble is because there is nothing for them to do when school lets out. There are millions of young people in urban areas and in rural areas alike across this country that have no access to recreational facilities after school is out. By spending a few dollars on recreational programs, we can avoid the need to spend a great deal of money later on the construction of prisons and for other purposes in the criminal justice system.

We know very clearly that if young people have access to recreational programs, if young people can hook up with a mentor, some older person that can establish a relationship with them, that their life is much less likely to take a bad turn and they are much more likely to develop into good, sound, solid citizens.

Money spent on these recreational programs, money spent for these parks, is money well spent, and we are well advised to adopt this amendment. It is a good, sound, solid amendment, a good use for this funding.

I urge all Members to get behind this amendment and support this expenditure of $2 million for our Urban Recovery and Parks Program. It is a very good purpose, a very good idea.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in support of the Miller amendment. This is an amendment that would provide a very tiny amount of money for an authorized program, the Urban Park Recreation and Recovery Program. $2 million is what would be proposed here, what is proposed here in the amendment. It has an offset, which is as benign as any offset that anybody could come up with in trying to fund something that is entirely legitimate.

We are trying to find $2 million out of a $10-plus billion bill. That is $2 million. That is not two percent, it is 2/100ths of one percent of the $10-plus billion bill that we are talking about.

Every Member in this body, from whatever district they hail from, whatever State, whatever kind of district, they have communities which could benefit from this kind of legislation.

In my area, there are two communities that have asked for just $50,000 and $100,000 respectively under the Urban Park Recreation and Recovery Program, which has not been possible because there are no funds in that authorized program. They would, of course, have to match it. It is one of those cases where you build a partnership on the part of the Federal Government and the State or local government, particularly in this instance the local government, to do something which is of great benefit to people.

So I would urge Members to listen to their mayors in those communities, or whoever is their chief operating officer, in those communities that are struggling to find recreational opportunities for their youth.

It is summertime. There are so many opportunities for kids to find trouble. It is in the ballparks and the playgrounds, those active places for recreation, that kids go and stay out of trouble. Our public parks are where the McGwires and the Griffeys hit their first home runs, where the Grant Hills played their first competitive basketball.

But beyond that, urban parks offer families brief refuge from urban decay,

from bus exhaust and traffic congestion. The urban park, with its water fountains and little league baseball fields, is the place where the vast majority of Americans are going to be spending their leisure time this summer and around the clock, not just in the summertime, but around the clock. It is a place where many children first learn team sports. It is the place where families get together to fly a kite or bike or walk or rollerblade along a river greenway.

One of my particular interests, Mr. Chairman, has been that many of our urban centers, particularly in the earlier settled parts of the country, many of our urban centers run along riverways that not so long ago functioned as industrial sewers. Because we have put billions of dollars, billions upon billions of dollars into the Clean Water Act over a period of years, and because of the more recent industrial restructuring that has gone on, these riverways now are a place that could be restored as green space to provide for recreation, a true wealth of recreation for use by our urban families.

In those cases, communities that I could name one right after the another, and, again, every Member could name in their own districts, these communities need some help with the restoration to make these areas available for their families for recreation. That help could come clearly from the Urban Park Recreation and Recovery Program that we are proposing here, the gentleman from California (Mr. MILLER) is proposing, just $2 million, with a benign offset to be used.

Some communities have recreational facilities that are in such poor shape they endanger kids' safety and health. These dollars could help repair, reconstruct and rehabilitate such facilities. In the past, these grants have been provided recreation for the disabled, repaired swimming pools, resurfaced tennis and basketball courts, purchased picnic tables, created arts and craft areas, fitness trails and bocci courts for senior citizens.

The public knows that this is money that is well spent. They expect money well spent to be appropriated by their government. So I urge support for the Miller amendment.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today also in support of the Miller amendment to fully fund the administration's request of $2 million for the Urban Parks Recreation and Recovery, or UPARR. This invaluable program provides competitive matching grants for the revitalization of local recreation areas and the improvement of recreation programs and services in low income inner-city neighborhoods. These opportunities are targeted at urban youth and the expansion of pre- and after-school activities.

Mr. Chairman, in my own district in the City of New Brunswick, which is located in the central part of New Jersey, UPARR grants have been used to renovate jogging paths and playing fields and to construct new playing fields at Buccleuch Park. The park is used as a recreational facility by local high school sports teams, as well as sports teams from Rutgers, the State University of New Jersey.

In addition, a UPARR grant made additional renovations possible so that senior citizens and disabled persons from the senior citizen resource center next door could make use of the park's facilities. Other UPARR grants have facilitated similar activities at Feaster Park, Joyce Kilmer Park and Recreation Park, also located in New Brunswick.

The National Park Service anticipates applications from 100 to 150 urban localities across the country for UPARR grants in fiscal year 1999, requests which will total approximately $20 million. The $2 million that we are trying to add to the bill today with this amendment will enable the Park Service to award 10 to 15 grants, only 10 percent of those requested. This, as has been mentioned by my colleagues, is a modestly funded program, but one that has a large impact on those communities that are fortunate enough to receive these grants, as I know from my own City of New Brunswick.

I urge my colleagues to support urban neighborhoods and urban youth by voting for the Miller UPARR amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MILLER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), $40,812,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2000, of which $7,700,000 pursuant to section 507 of Public Law 104-333 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the National Park Service may hereafter recover all costs of providing necessary services associated with historic preservation tax certification, and such funds shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $149,000,000, to remain available until expended: *Provided*, That the Denver Service Center may not levy any assessments against specific construction projects.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1999 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $69,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $500,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress: *Provided further*, That from the funds made available for land acquisition at Everglades National Park and Big Cypress National Preserve, the Secretary may provide for Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys) under terms and conditions deemed necessary by the Secretary, to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading to the State of Florida shall be subject to an agreement that such lands will be managed in perpetuity for the restoration of the Everglades.

AMENDMENT OFFERED BY MR. MCGOVERN

Mr. McGOVERN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McGOVERN:

Page 19, line 7, insert after the dollar amount the following: "(increased by $30,000,000)".

Page 70, line 17, insert after the dollar amount "(reduced by $30,000,000)".

The CHAIRMAN. Before recognizing the gentleman from Massachusetts (Mr. McGOVERN), the Committee will rise informally to receive a message.

The SPEAKER pro tempore (Mr. PAPPAS) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Committee resumed its sitting.

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The CHAIRMAN. The gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes in support of his amendment.

Mr. McGOVERN. Mr. Chairman, I rise today along with my colleague from New Jersey (Mr. PAPPAS), in support of an initiative that is vital to our children, our families and our Nation: Reestablishing the Stateside program

of the Land and Water Conservation Fund.

I want to thank the gentleman from Ohio (Mr. REGULA) for his graciousness as we take up debate on this important issue. He and his staff have always extended every courtesy to me and my office, and I also want to thank the gentleman from Illinois (Mr. YATES), the ranking member, and the gentleman from Washington (Mr. DICKS) and their staff for all of the help that they have provided me.

The Land and Water Conservation Fund has a proven track record and strong bipartisan support. The Land and Water Conservation Fund is a simple idea. It uses money from nonrenewable public resources like offshore oil and gas drilling and reinvests the money into a renewable resource: Public open space.

A trust fund was established over 30 years ago to meet the need for more open space and in that time, over 37,000, over 37,000 park and recreation projects, from neighborhood parks and ballfields to scenic trails, nature reserves and historical sites, have all been developed. This is a real American success story.

Unfortunately, the spirit of this program has been misdirected in recent years. Though Congress has funded the Federal program which has protected Federal lands, the Stateside program has been zeroed out. For those who believe that the Stateside program is better provided by the States, I would respectfully disagree and say that the States cannot do it alone. The Stateside program is already a partnership, as States and towns match every Federal dollar. We can leverage good money on good projects.

The Stateside program acknowledges State leadership on parks and open space projects and works in lock step with what I would say is a Republican philosophy to devolve power back to the States. It is a nonregulatory program that lets States take the lead, a successful program with a successful track record administered at the State level. That is why governors from all over the country support the Stateside fund.

Not funding the Stateside program amounts to a broken promise made to the American people. When we decided to open the Outer Continental Shelf to oil drilling, exploitation of a nonrenewable resource, we pledged to use some of the revenues for the public good, to protect open space. Every year, the Land and Water Conservation Fund takes in $900 million from oil and gas receipts, but less than 25 percent of this has been appropriated over the last decade. We are breaking our promise to the American people by not spending this money in the way in which it was intended.

This amendment that we are offering today is a step in the right direction toward renewing that promise. It is the perfect time to revitalize the Land and Water Conservation Fund program. Right now, States are developing their own plans to invest in open spaces. With our strategic investment, we can help them fight sprawl, revitalize urban areas, and conserve cherished cultural heritage sites.

In some low-income urban communities, such as Chelsea in Summerville, Massachusetts, the Stateside program is responsible for virtually all parks in the city. Without the Stateside fund, there would literally be no public open space in those communities.

Kids in cities need safe green spaces to play in. Without safe, healthy parks, they go from home to school and back without ever interacting with a natural area: Trees, grass, places to explore. Unused open space in rural areas is natural area. Unused space in a city is a vacant lot with garbage, glass, dirty needles and possibly drug dealing. Vacant lots also increase childhood asthma by increasing airborne dust. Transforming a dangerous vacant lot into a community garden or neighborhood playground gives a neighborhood hope and increases public health and safety.

I have seen some of the great things the Stateside program can do. In my home city of Worcester, Massachusetts there are about 40,000 annual visits to Green Hill Park, an innercity green space which received $225,000 in the 1980s to revamp a farm zoo in that park. This is the kind of investment we need to save our urban neighborhoods.

Our amendment proposes to take $30 million from the fossil energy turbine program and redirect it to the National Park Service for the purpose of funding the Stateside program. What will $30 million do? It gives the States something to work with. They have not seen Stateside funding since 1995. It will help get grant programs back on line, and it will help further demonstrate the need and support for the program by using the $30 million strategically.

Mr. Chairman, I ask that my colleagues support this bipartisan effort to reinstate the Stateside program with the Land and Water Conservation Fund to ensure we have a better environment for everybody. Please support the McGovern-Pappas amendment.

Mr. PAPPAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment offered by my colleague from Massachusetts (Mr. MCGOVERN). This Interior appropriations bill contains within it the appropriations for the Land and Water Conservation Fund. However, only $139 million is appropriated for this important fund, despite it reaching levels of $5 billion. Moreover, there are no funds in this bill for the Stateside matching grant program.

In my State of New Jersey, there is much debate about the future of urban sprawl, loss of open space and farmland, and the need recreational opportunities. This fund was originally intended to be a Federal complement to State efforts to provide for parks, recreation and open space. The Federal component, however, is gone.

This issue is critical to the Northeast and every region across this country with urban sprawl. I have even introduced my own bill to help further address this problem in my region, H.R. 3566. Open space is critically important to preserve the quality of life for those that live in high-growth areas. The Federal Government can play an important role in providing money to cash-strapped States and local governments that seek to fund efforts to improve their quality of life.

This amendment is a much-needed amendment to provide an additional $30 million for the Stateside of the Land and Water Conservation Fund. Under the formula written in the law, States, through the Stateside program, would receive up to $2 million each to help improve quality of life for communities and families.

Finally, I want to thank the chairman for crafting an overall good bill. It is a very lean year, I understand, and represents a $200 million reduction from last year. Offsets such as the one identified in this amendment are harder to find in lean bills. However, I must respectfully state my opinion through this amendment that the Land and Water Conservation Fund in general, and State grant program in specific, must reflect a higher priority of this Congress and administration.

This amendment will help save an important Federal program that helps States. It is consistent with Republican priorities by giving power to States. It does not create more Federal land ownership; it allows flexibility on the local level, and as a former local elected official, this is the type of program that will help existing open space and recreational efforts of local governments.

This is an amendment that this Congress should support, the Stateside program. I strongly urge passage of the McGovern amendment.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to rise in support of this amendment and others that seek to enhance the utilization of resources from the Land and Water Conservation Fund. The fact is that there is from the offshore oil and gas revenues a commitment until appropriated of $900 million a year. The measure before us appropriates only a small portion of those dollars.

Now, I understand the limitations that the subcommittee members face, but I think that completely terminating, and it has been done in past Congresses, the funding for the State set-aside for the Land and Water Conservation Fund is the wrong way to go.

I think we have a commitment here. I know that this amendment is really only a modest beginning as we try to restore the integrity and the necessity for the funds to the States for these particular programs. I mean the basic tenet is that as we deplete resources from the Outer Continental Shelf, both oil and gas, that the resources of some of the dollars that come from those resources are provided for setting aside and purchasing some lands for the legacy of those that come after us.

So I strongly support this, empowering and providing the States this opportunity.

I want to commend the gentleman from Massachusetts (Mr. MCGOVERN), and the gentleman from New Jersey (Mr. PAPPAS) for raising this. I just wanted to comment briefly that I recognize our colleague from Illinois' distinguished service and had noted that in my earlier remarks that I put in the RECORD, as well as the continued good work of the chairman of this committee and others that have served here, including the gentleman from Pennsylvania (Mr. MCDADE). While over the years we have had our differences about how to proceed with policy, I think that they have been conscientious Members, especially of course the gentleman from Illinois (Mr. YATES), who has left I think an indelible mark on many of the special programs that exist in this subcommittee of appropriations on Interior.

I have concerns about the bill, especially the underfunding, and I think that that needs to be remedied in terms of how we have allocated the dollars so that this subcommittee would have the funding that would reflect the will of the American people in terms of the concerns that they have with these programs. I am concerned about some elements in the rule where some amendments are given favored treatment, others are ruled out of bounds in terms of reaching them, but generally, there is a lot positive in this bill and I am really torn in terms of a decision to support it.

But I am not torn about this amendment. This is a good amendment, and I urge the Members to support it and hope that we can restore some full spending at some time to the Land and Water Conservation Fund, and I again commend the gentleman.

So I rise in support of the amendment offered by my colleagues to increase funding for the Land and Water Conservation Fund for stateside matching grant program. I do regret the decision to offset the funding from the Energy Conservation Program, but do support the opportunity to discuss the unmet commitment represented in the Conservation Fund.

When Congress first passed the Land and Water Conservation Act in 1965, they recognized the need to "assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations . . . To outdoor recreation resources . . . " To insure that access, the Congress pledged to provide funds for States in planning, acquisition, and development of needed areas and facilities. The fund was also to be used for Federal acquisition and development.

While the funding source for LWCF has produced a more than generous level to conduct both portions of the program, the program has been too successful. The $900 million authorized level has been diverted to fund other programs with minimal funding for the Federal funding and, since 1995, no money for State matching grants.

The State matching program has been an integral component of State and local recreation programs. I am certain that many of my colleagues have visited recreation centers, wildlife areas, and parks funded in part by LWCF.

Unfortunately the lack of matching Federal funds has created a major backlog in State and local community programs. The McGovern amendment would be a start to address those pressing needs.

While I support the restoration of funding for LWCF, I am concerned about the source of the offset. It is my hope that should this amendment be successful, other options will be considered by a conference committee as offsets.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, how quickly we forget. I can remember not too many years ago when people stood in this well wondering where were we going to get energy, when we had OPEC tying up petroleum, lines at the gasoline stations. We said, let us not let that happen again. We had a special commission meeting all hours of the day and night trying to address the problem. Industries closed down, hospitals and schools were suffering problems. How quickly we forget. We forget we sent soldiers, disrupted families, spent billions of dollars in Desert Storm to protect our energy supply, and now we want to take another hit at energy conservation.

These programs result from the experience of OPEC tying up our energy supply. They result from an understanding that we have to conserve. The gentleman from Colorado (Mr. SKAGGS) not long ago was making a strong case for energy conservation. Here we have a bill that says, let us take another bite out of energy conservation to fund local facilities, golf courses. We remember when the Land and Water Conservation funds went to the States. It was easy money. It came from the "Federal Government."

So they did not worry too much. The State built swimming pools, golf courses, tennis courts. That is not a wise investment when we are threatening the energy security of this Nation. That is what this amendment boils down to.

We have enormous needs in our Federal lands. We are the Federal Government. Forty-seven States advised the National Governors' Association that they have surpluses. If they have surpluses, they should be building the tennis courts, the swimming pools and the golf courses in their communities. We have $10 billion of backlog maintenance. This is the testimony of the administration. We have land management agencies that are trying to deal with in-holdings. We need whatever funds we can get to buy in-holdings where people are living in the center of parks and forests and other government facilities.

Given the backlog of maintenance of $10 billion, given the backlog of inholding purchases that we should make of $8.6 billion, it certainly makes absolutely no sense to take money out of the Land and Water Conservation Fund. We do not have enough.

See that stack of three looseleaf notebooks? They represent requests from Members of this body, some 2,000 letters we received, many of them are multiple, of course, from Members saying, buy this land, do this project. The gentleman from Utah (Mr. HANSEN) is here, and he hears the same thing over in the Committee on Resources.

We are already, woefully short of the funds that we need to meet the needs brought to our attention by Members in testimony. We had an entire day of Members testifying in front of our committee about the needs in their districts on Federal programs, and 47 States with surpluses, and we are proposing to give them money to build golf courses, tennis courts, swimming pools? Forget it. And to take it out of energy conservation?

Mr. MCGOVERN. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I would agree with the gentleman in enforcing accountability in this program, but I would simply say that this is not what we are talking about when we are talking about the importance of this program. We are talking about open spaces for families, we are talking about areas in inner cities that otherwise would be left vacant.

□ 1800

The beauty of this program is, kind of like the State revolving fund, it would leverage more money from the State. It is not just the Federal Government giving money, but we are getting money from the State, and that is in keeping with the spirit that you believe.

Mr. REGULA. Mr. Chairman, reclaiming my time, we are talking about open spaces on Federal lands too. And we are talking about all those millions of visitors that want to go to our Federal lands, and I think it is the responsibility of the cities to fund these programs. Most of them have income

tax programs, they have other sources of revenue. And from what I read, many of the cities are doing pretty well and the States are doing well because the economy is strong.

One of the reasons the economy is strong is because energy is cheap. Of course, the gentleman was not here, but if he had been here when we had these debates, when gasoline was $1.50 a gallon, he would understand that this is an unwise proposal.

Mr. MCGOVERN. Mr. Chairman, if the gentleman would continue to yield, I appreciate that, and I also appreciate the importance of protecting Federal lands, but I think we can do both. And what we are talking about here is really a very modest investment to try to help leverage State funds to protect open spaces in States all across this country, and I would again urge support of this amendment.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, I think while this is a noble cause, and while it would be nice if we had the money, we do not. We do not have the money to meet the Federal responsibility. We do not have the money to do the backlog. We do not have the money to buy the in-holdings. We do not have enough money to meet Federal needs, as evidenced by those hundreds of requests from all of my colleagues for additional programs.

If we had a great amount of money, it would be different. If we had energy security, it would be different. If we had a stable Middle East, which is an enormous source of petroleum, it would be different. But I hope we have learned our lessons in the past, and I would strongly urge Members to vote "no" on this amendment.

Ms. CHRISTIAN-GREEN. Mr. Chairman I rise in strong support of the amendment of my fellow Freshman Class colleague, Mr. MCGOVERN and would urge all of my colleagues to support it as well.

Mr. Chairman since its enactment in 1964, over $3 billion have been appropriated from the Land and Water Conservation Fund for matching grants to the 50 States and U.S. Insular areas for land acquisition and recreation development. Through this program more than 2.3 million acres have been acquired and recreation facilities have been built on some 25,000 sites.

In my own district, LWCF funds have been used for very important land acquisitions at the VI National Park on St. John and hopefully, very soon, to create a National Park Service presence at the recently authorized Salt River National Park on the island of St. Croix.

Equally and vitally important are the funds provided from the LWCF for State and local recreation programs, known as the Urban Parks and Recreation Program. When the LWCF was enacted over thirty years ago, one of its stated purposes was to assist in the preservation, development and assuring the accessibility to outdoor recreation resources. Using this mandate, the LWCF has been used to build ballparks in urban settings from Oakland, California to Washington, DC to my own area in the Virgin Islands.

In years past, the UPAR program received bipartisan support for increased funding every year, because members on both sides of the aisle recognized the importance of recreation in the development of our young people. That is why I strongly support the amendment of my colleague from Massachusetts which would restore funding for the LWCF program to the level requested by the Administration.

Mr. Chairman, I also want to urge my colleagues to again resist efforts to eliminate funding for the National Endowment for the Arts. Every federal dollar spent by the NEA leverages many additional public dollars at the state and local level. Last year, the $98 million dollars allocated to the NEA helped create a system that supports 1.3 million full time jobs in states, cities, towns and villages across the country, providing $3.4 billion back to the federal treasury in income taxes.

We must continue to support the NEA not only because of the untold benefits this agency has on our culture but also because of the importance that artistic expression and creativity has on the development of our children.

In closing, Mr. Chairman, I want to pay tribute to the Gentleman from Illinois, the Ranking Member on the Interior Appropriation Committee, Mr. YATES. My colleagues, those of us from the U.S. offshore areas are very thankful to Mr. YATES for the support he has given to our needs over the years. Whether it has been for disaster assistance as was the case with Hurricanes Hugo and Marilyn in my district or to our many other important needs, Chairman YATES as he was known for so many years, was always willing to come to our aid.

And so I want to say to Mr. YATES on behalf of the people of the Virgin Islands, whom I am privileged to represent, thank you for your support. You will be sorely missed in this body but we wish you a very enjoyable retirement and come and visit us in the Virgin Islands. God Speed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from Ohio (Mr. REGULA), as the manager of the bill, to discuss for a moment a program of particular interest to me, the gentleman from New Hampshire (Mr. BASS), the gentleman from Delaware (Mr. CASTLE), the gentleman from New York (Mr. BOEHLERT), and many others of my colleagues. It is a subject which has broadly been discussed, the Land and Water Conservation Fund.

As the gentleman knows, the Land and Water Conservation Fund, which uses revenue from offshore oil and gas drilling for the protection of recreation, historic and natural resource lands across the country, is of critical importance to the State of New Jersey and other States across the Nation.

I appreciate the historic support offered by the gentleman from Ohio (Chairman REGULA) for this program. Funding levels for the Land and Water Conservation Fund in recent years, however, have resulted in a backlog of unmet acquisition needs at many parks, forests, and wildlife refuges.

I am grateful the Congress finally addressed this need last year by appropriating an additional $699 million to the Land and Water Conservation Fund funds, and I know that that could not have happened without the support of the gentleman from Ohio.

I would like to ask the gentleman a question related to the $699 million contained in last year's Interior Appropriations bill. Of the $699 million appropriated, it is my understanding that $362 million will be used to address high priority land acquisitions and backlog maintenance needs around the country, but the final decision of what projects will be funded has not yet been made.

Mr. Chairman, I would inquire, is it the gentleman's intention to finalize the list of acquisitions before the end of the fiscal year 1998?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would tell the gentleman that yes, it is. I can assure the gentleman from New Jersey that it would be my intent, and I think my colleague in the Senate feels the same way, to spend these funds this year on high priority land, such as inholdings, high priority land acquisition and backlog maintenance projects.

Mr. FRELINGHUYSEN. Mr. Chairman, reclaiming my time, I thank the gentleman, and would ask his indulgence for one more question.

Despite the extraordinary funding for Land and Water Conservation projects, there will continue to be an annual need to address ongoing acquisitions within Federal units. In fiscal year 1999 the administration requested $270 million, which is in line with regular funding levels in recent years, but the House bill was unable to achieve this level this year.

I realize the chairman of the subcommittee has worked on under strict budgetary constraints and in fact received a lower 302(b) allocation than

last year. However, it is my fervent hope that the conferees from this body can work to arrive at a final Land and Water Conservation level that is at least consistent with the Senate's appropriation.

Is it the gentleman's intention to move in this direction?

Mr. REGULA. Yes, it is. As the gentleman from New Jersey pointed out, there are many competing demands on the limited funds provided in this bill, and I feel that we have done as well as we could.

However, I certainly recognize the importance of the Land and Water Conservation Fund, particularly in meeting the need for purchase of in-holdings and in meeting ongoing acquisition needs, as well as its importance to many Members of this body who support projects in their district. Here is an example, all three of these are Member projects letters.

While we cannot meet every request, the subcommittee will certainly strive to work with the Senate to reach a more adequate funding level in conference. And let me say parenthetically that we imposed moratoria on a great deal of offshore drilling which, of course, substantially reduced the flow of money into the Land and Water Conservation Fund.

Mr. FRELINGHUYSEN. Mr. Chairman, I appreciate the commitment of the gentleman from Ohio (Chairman REGULA) and look forward to working with him on this important issue.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intended to offer an amendment this afternoon that I believe makes dollars and makes sense. My amendment was based on the simple premise that government agencies responsible for administering programs with similar and complementary purposes can achieve greater success by working together in our urban communities.

Interagency cooperation, the wise use of tax dollars and the development of innovative approaches that employ ideas from a variety of disciplines and sciences, should be promoted more often by this Congress. That is what my amendment sought to accomplish.

Also, I believe that my amendment would have been timely. We are currently in the middle of what scientists predict will be the hottest July in some 600 years. We have never recorded a month hotter than the one we are currently experiencing. In the Midwest and New England, major utility corporations do not have the power to deal with the added costs of cooling urban areas. Rolling burnouts have already occurred and are predicted to occur with more regularity as the summer progresses and the heat rise.

In Chicago, Commonwealth Edison says they are not sure who is going to get electricity at what point. However, the heat wave that currently grips our Nation, raising temperatures above 100 and the heat index above 110 in cities throughout America, is not an anomaly. This decade has witnessed the six hottest summers on record.

We should begin to expect these types of weather effects more often. We should also note that excessive summer heat is worse in our cities and metropolitan areas. Thus we should focus our attention to our urban communities where dangerous summer heat has become a public health hazard.

Currently, the Department of Energy conducts research into the causes, consequences, and possible solutions to the urban heat-island phenomenon. This research demonstrates that summer temperatures are 5 to 10 degrees higher in central cities than in surrounding areas.

As my colleagues can imagine, the energy costs and air pollution resulting from these heat islands present critical problems for urban communities and their residents. But beyond the higher utility bills and air quality that heat islands foster are serious public health concerns that must also be addressed.

I represent an urban constituency. Asphalt, brick and tar are common in my community. In 1995, in my congressional district alone, 100 people died because of excessive summer heat. Throughout the City of Chicago in mid-July of 1995, nearly 600 people died during the worst heat wave this decade. The National Oceanic and Atmospheric Administration study of heat waves demonstrates that in certain sections of the city the mercury was 10 degrees higher than in the suburbs of the City of Chicago. The heat index, which also factors in humidity as well, was nearly 15 degrees higher.

Now, this year the Dallas area has witnessed the effects of urban heat island. For 15 straight days in Dallas the heat has reached 100 degrees or more. More than 80 people have died as a direct result of heat-related illnesses in the Dallas area and across the South.

DOE research has shown that the heat-island phenomenon is prevalent throughout the country. I believe we should look for solutions to this serious public health concern. The Forest Service currently administers a program that should be integrated with the Energy Department's heat-island research to help lessen the effects of summer heat in urban areas. Between these two agencies, we understand the problem and we can come to an important solution.

The DOE can supply the data that helps local communities plan where urban green space must be improved and expanded. The Forest Service can help local communities plant and maintain trees and flora. By cooperating, sharing, and working together, these agencies can fulfill their missions more effectively.

I do not believe that additional appropriations are required by this amendment. The programs in question also will not have to be changed. What the amendment would have required is coordination and innovation, not dollars and regulation.

Mr. Chairman, I feel strongly that this is a win-win situation for our government and cities. Developing solutions to problems of urban heat and pollution cannot be put off any longer. Let us get the agencies working together on this.

Mr. Chairman, I will not offer my amendment today, but instead would ask to engage in a colloquy with the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior Appropriations.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. GUTIERREZ) has expired.

(By unanimous consent, Mr. GUTIERREZ was allowed to proceed for 30 additional seconds.)

Mr. GUTIERREZ. Mr. Chairman, I would ask that the members of the subcommittee work with me to compel the Forest Service and the Department of Energy to sit down and coordinate their efforts to reduce heat and pollution in order to save energy and to save lives. I would urge the gentleman from Ohio (Mr. Regula), the manager of the bill, to follow the progress of these agencies towards achieving that goal.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we will urge them to do that. I do not know if the gentleman heard my opening statement, but I pointed out that we have pushed all agencies to coordinate wherever possible to gain efficiencies in the expenditure of monies as well as to serve the public better.

So this is an example, I think, where two agencies can coordinate their efforts to meet the needs that the gentleman from Illinois has outlined in his remarks.

Mr. GUTIERREZ. Mr. Chairman, reclaiming my time, I thank the gentleman from Ohio, and I look forward to working with him.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage in a colloquy with the distinguished gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior Appropriations, concerning the proposed National Eagle Center in Wabasha, Minnesota.

Many of my colleagues may recall a CBS report last winter concerning efforts in the City of Wabasha, Minnesota, to construct a National Eagle Center. In his news report, anchorman Harry Smith stated that it makes his heart quicken to see this magnificent symbol of our Nation in its natural environment: Hundreds of bald eagles

perched in the cottonwoods and fishing along the banks of the Mississippi River near Wabasha, a community of 2,500 people made famous by the movie, "Grumpy Old Men."

Mr. Chairman, Harry Smith is not unlike millions of Americans who are thrilled to have a rare chance to see a bald eagle in the wild. In fact, CBS News officials said the network received more phone calls requesting copies of this story of Smith's than any other.

For the past 9 years, 70 volunteers from in and around Wabasha, Minnesota, have generously donated their time and talent in order to share this once-in-a-lifetime experience with the thousands of visitors who come each year to see this remarkable bird. These thousands of visitors come to Wabasha because nowhere else in the lower 48 States can one find a better view of this, our national symbol.

□ 1815

Nowhere else can visitors benefit, free of charge, from a trained staff of volunteers who help them spot and learn more about the Bald Eagle.

But as my colleague knows, Minnesota can get very cold in the winter, and that is why the City of Wabasha and the State of Minnesota have joined forces and contributed $1.9 million, about half the amount necessary, to construct an indoor eagle viewing and educational facility for the benefit of visitors from all over the country.

Mr. Chairman, I have asked the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, if he would lend his support for the National Eagle Center. I understand the chairman will consider this request as the Interior bill is taken up in conference with the Senate.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman from Minnesota is correct in his understanding. Recognizing the level of commitment on the part of the State of Minnesota and the community of Wabasha, as well as the national interests served by this center, I will work with the gentleman from Minnesota in his efforts to include supportive language in a statement of managers to accompany the conference report on the Interior bill.

Mr. GUTKNECHT. Mr. Chairman, I greatly appreciate the chairman's willingness to work with me on this project, which is so important to my home State, the community of Wabasha, me and, most importantly, to millions of Americans eager to see this remarkably beautiful symbol of our Nation.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the bill through page 55, line 14, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill from page 20, line 4 through page 55, line 14 is as follows:

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 375 passenger motor vehicles, of which 291 shall be for replacement only, including not to exceed 305 for police-type use, 12 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $774,838,000 of which $68,096,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $150,871,000 shall be available until September 30, 2000 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of science students or recent graduates, who shall be considered employees for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $116,402,000, of which $72,729,000 shall be available for royalty management activities; and an amount not to exceed $100,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2000: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be

available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $93,074,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1999 and thereafter: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 1999 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: *Provided further*, That beginning in fiscal year 1999 and thereafter, cost-based fees for the products of the Mine Map Repository shall be established (and revised as needed) in Federal Register Notices, and shall be collected and credited to this account, to be available until expended for the costs of administering this program.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $185,416,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $7,000,000, to be derived from the cumulative balance of interest earned to date on the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 1999: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available to States under title IV of Public Law 95-87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: *Provided further*, That hereafter, donations received to support projects under the Appalachian Clean Streams Initiative and under the Western Mine Lands Restoration Partnerships Initiative, pursuant to 30 U.S.C. 1231, shall be credited to this account and remain available until expended without further appropriation for projects sponsored under these initiatives, directly through agreements with other Federal agencies, or through grants to States, and funding to local governments, or tax exempt private entities.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,558,425,000, to remain available until September 30, 2000 except as otherwise provided herein, of which not to exceed $96,028,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $114,881,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 1999, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs, and of which not to exceed $383,451,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1999, and shall remain available until September 30, 2000; and of which not to exceed $52,256,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That hereafter funds made available to tribes and tribal organizations through contracts, compact agreements, or grants, as authorized by the Indian Self-Determination Act of 1975 or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That hereafter to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than two years may be reprogrammed to two year availability but shall remain available within the Compact until expended: *Provided further*, That hereafter notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated and, that any savings realized by such changes shall be available for use in meeting other priorities of the tribes and, that any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2000, may be transferred during fiscal year 2001 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2001: *Provided further*, That hereafter tribes may use tribal priority allocations funds for the replacement and repair of school facilities in compliance with 25 U.S.C. 2005(a), so long as such replacement or repair is approved by the Secretary and completed with non-Federal tribal and/or tribal priority allocation funds.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, $121,695,000, to remain available until expended: *Provided*, That such amounts as may be available for

the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 1999, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): *Provided further*, That funds appropriated in Public Law 105-18, making emergency supplemental appropriations for the Bureau of Indian Affairs for the repair of irrigation projects damaged in the severe winter conditions and ensuing flooding, are available on a nonreimbursable basis.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $28,396,000, to remain available until expended; of which $27,530,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101-618 and 102-575, and for implementation of other enacted water rights settlements; and of which $866,000 shall be available pursuant to Public Laws 99-264, and 100-580: *Provided*, That in fiscal year 1999 and thereafter, the Secretary is directed to sell land and interests in land, other than surface water rights, acquired in conformance with section 2 of the Truckee River Water Quality Settlement Agreement, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, and be available for the purposes of section 2 of such agreement, without regard to the limitation on the distribution of benefits in the second sentence of paragraph 206(f)(2) of Public Law 101-618.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,501,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $34,615,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $500,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995.

In the event any tribe returns appropriations made available by the Act to the Bureau of Indian Affairs for distribution to other tribes, this action will not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or the tribe's right to future appropriations.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $66,175,000, of which: (1) $62,326,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $3,849,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding: *Provided further*, That of the Covenant grant funding for the Government of the Northern Mariana Islands $5,000,000 shall be used for the construction of prison facilities and $500,000 shall be used for construction and equipping of a crime laboratory unless the Secretary determines that acceptable alternative financing for these projects is already in place: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,545,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $58,286,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $37,304,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $24,499,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $39,499,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred to the Bureau of Indian Affairs: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 1999, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That hereafter the Secretary shall not be required to provide a periodic statement of performance pursuant to 25 U.S.C. 4011(b), nor to invest pursuant to 25 U.S.C. 161a, any Indian trust account managed by the Secretary that has not had activity for at least eighteen months and has a balance of $1.00 or less: *Provided further*, That hereafter the Secretary shall maintain a record of any such accounts and amounts in such accounts will remain available upon request to the accountholder.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and Public Law 101-337; $4,492,000, to remain available until expended: *Provided*, That obligated and unexpended balances in the United States Fish and Wildlife Service, Natural Resource Damage Assessment Fund account at the end of fiscal year 1998 shall be transferred to and made a part of the Departmental Offices, Natural Resource Damage Assessment and Restoration, Natural Resource Damage Assessment Fund account and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; for response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations

or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the Funds, even in the event of a bank failure.

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of, 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

SEC. 113. In fiscal year 1999 and thereafter, the Secretary may accept donations and bequests of money, services, or other personal property for the management and enhancement of the Department's Natural Resources Library. The Secretary may hold, use, and administer such donations until expended and without further appropriation.

SEC. 114. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, funds available under this title for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act and no funds appropriated in this title shall be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 115. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 116. (a) Denver Service Center employees who voluntarily resign or retire from the National Park Service on or before December 31, 1998, shall receive, from the National Park Service, a lump sum voluntary separation incentive payment that shall be equal to the lesser of an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or $25,000.

(1) The voluntary separation incentive payment—

(A) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit; and

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(2) Employees receiving a voluntary separation incentive payment and accepting employment with the Federal Government within five years of the date of separation shall be required to repay the entire amount of the incentive payment to the National Park Service.

(3) The Secretary may, at the request of the head of an Executive branch agency, waive the repayment under paragraph (2) if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) In addition to any other payment which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the National Park Service shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the National Park Service—

(A) who retires under section 8336(d)(2) of title 5, United States Code; and

(B) to whom a voluntary separation incentive payment has been or is to be paid under the provisions of this section.

(b) Employees of the Denver Service Center entitled to severance pay under 5 U.S.C. 5595, may apply for, and the National Park Service may pay, the total amount of severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i) (2) and (3), except that any repayment shall be made to the National Park Service.

(c) Employees of the Denver Service Center who voluntarily resign on or before December 31, 1998, or who are separated in a reduction in force, shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A) if they elect to continue health benefits after separation. The National Park Service shall pay for 12 months the remaining portion of required contributions.

SEC. 117. Notwithstanding any other provision of law, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C. for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 118. The 37 mile River Valley Trail from the town of Delaware Gap to the edge of the town of Milford, Pennsylvania located within the Delaware Water Gap National Recreation Area shall hereafter be referred to in any law, regulation, document, or record of the United States as the Joseph M. McDade Recreational Trail.

The CHAIRMAN. Are there amendments to the bill through page 55, line 14?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 504, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Colorado (Mr. SKAGGS), the amendment offered by the gentleman from Vermont (Mr. SANDERS), and the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SKAGGS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. SKAGGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 213, not voting 9, as follows:

[Roll No. 313]

AYES—212

Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boucher
Boyd
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Duncan
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Furse
Ganske
Gekas
Gephardt
Gilman
Goode
Gordon
Greenwood
Gutierrez
Hastert
Hastings (FL)
Hayworth
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Hulshof
Jackson (IL)
Jefferson
Johnson (WI)
Johnson, E.B.
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klug
LaFalce
LaHood
Lantos
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Tanner
Tauscher
Thompson
Thune
Tierney
Torres
Towns
Upton
Velázquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

NOES—213

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Everett
Ewing
Fattah
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennelly
Kim
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Maloney (CT)
Mascara
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Oxley
Packard
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Traficant
Turner
Visclosky
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—9

Dixon
Ford
Gonzalez
Harman
John
McNulty
Solomon
Stokes
Young (FL)

□ 1839

Messrs. WATKINS, MOAKLEY, LATHAM, SMITH of Michigan, and Ms. ROS-LEHTINEN changed their vote from "aye" to "no."

Mr. SKELTON and Mr. METCALF changed their vote from "no" to "aye."

□ 1840

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PEASE). Pursuant to House Resolution 504, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 6 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The question is on amendment No. 6 offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 185, not voting 8, as follows:

[Roll No. 314]

AYES—241

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bass
Becerra
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Chabot
Chenoweth
Clay
Clayton
Clyburn
Coble
Collins
Condit
Conyers
Cox
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Etheridge
Evans
Fazio
Filner
Foley
Fowler
Franks (NJ)
Furse
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Graham
Gutierrez
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
LaFalce
Latham
LaTourette
Leach
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Minge
Mink
Moran (KS)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Owens
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Portman
Quinn
Radanovich
Rahall
Ramstad
Riggs
Rivers
Rogers
Rohrabacher
Rothman
Roukema

Roybal-Allard
Royce
Rush
Salmon
Sanders
Scarborough
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spratt
Stabenow
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Taylor (MS)
Taylor (NC)
Thompson
Thune
Thurman
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Woolsey
Wynn
Young (AK)

NOES—185

Aderholt
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Biliraki
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (PA)
Brady (TX)
Brown (CA)
Burr
Burton
Callahan
Cardin
Castle
Chambliss
Christensen
Clement
Coburn
Combest
Cook
Cooksey
Costello
Coyne
Cramer
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Everett
Ewing
Farr
Fattah
Fawell
Forbes
Fossella
Fox
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Goss
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hilleary
Hobson
Holden
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kucinich
LaHood
Lampson
Lantos
Largent
Lazio
Lee
Levin
Lewis (CA)
Linder
Livingston
Lowey
Lucas
Maloney (CT)
Mascara
Matsui
McCrery
McDade
McDermott
McKeon
Meeks (NY)
Mica
Miller (CA)
Miller (FL)
Mollohan
Moran (VA)
Murtha
Ney
Olver
Ortiz
Oxley
Packard
Paxon
Pelosi
Pickett
Pitts
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Rangel
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Ryun
Sabo
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Scott
Sessions
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (TX)
Snowbarger
Souder
Spence
Stark
Stenholm
Talent
Tauscher
Tauzin
Thomas
Thornberry
Tiahrt
Tierney
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Wilson
Wise
Wolf
Yates

NOT VOTING—8

Dixon
Ford
Gonzalez
Harman
John
McNulty
Moakley
Young (FL)

□ 1848

Mr. FOSSELLA changed his vote from "aye" to "no."

Messrs. McCOLLUM, SCHUMER and DICKS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MCGOVERN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 221, not voting 10, as follows:

[Roll No. 315]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bereuter
Berman
Berry
Bilbray
Biliraki
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boyd
Brown (FL)
Brown (OH)
Burton
Camp
Campbell
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Ehrlich
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fawell
Filner
Forbes
Fox
Frank (MA)
Furse
Gekas
Gephardt
Gilman
Goode
Graham
Greenwood
Gutierrez
Hastings (FL)
Hayworth
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hulshof
Hunter
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Klug
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Mink
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Pease
Pelosi
Petri
Pitts
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sánchez
Sanders
Schumer
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snowbarger
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Tauscher
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Woolsey
Wynn

NOES—221

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Ewing
Fattah
Fazio
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hutchinson
Hyde
Istook
Jenkins
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kim
Kingston
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Mollohan
Moran (KS)
Murtha
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paul
Paxon
Payne
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (OR)
Smith (TX)
Smith, Linda
Solomon
Souder
Spence
Stearns
Stenholm
Stokes
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wilson
Wise
Wolf
Yates
Young (AK)

NOT VOTING—10

Dixon
Ford
Gonzalez
Harman
John
Kanjorski
McNulty
Moakley
Radanovich
Young (FL)

□ 1858

Mr. HASTERT and Mr. MINGE changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1900

Mr. WHITE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman of the subcommittee in a colloquy if I could do that, please.

Mr. REGULA. If the gentleman will yield, yes, I will be happy to engage in a colloquy.

Mr. WHITE. Mr. Chairman, I thank the gentleman from Ohio for the opportunity to speak in support of resolving the Elwha River Restoration Project. I appreciate the committee's leadership over the past three years in helping secure funding toward the acquisition of Elwha and Glines dams. This project is something we have been trying to get started since 1995, and I am pleased that we are finally starting to move in the right direction.

Mr. REGULA. Mr. Chairman, if the gentleman will yield, I appreciate the gentleman from Washington's leadership on this issue over the past 3 years. It is very clear that the gentleman is deeply committed to seeing this project through to the end. I hope we can continue to look for ways to build on the support for the Elwha project.

Mr. WHITE. Mr. Chairman, as the gentleman knows, I have been a strong proponent of providing funding for restoration efforts on the Elwha River in the Olympic Peninsula in Washington State. We spend about $435 million every year on the Columbia and Snake Rivers and do not have as much to show for it as we would like. In the case of the Elwha, a one-time payment of a much smaller amount will create a pristine river and perfect salmon habitat from glacier to salt water, and it is an investment well worth making.

For the past 3 years, I have been working with the gentleman, Senator GORTON, who is the chairman of the Senate Interior Committee on Appropriations, and my good friend and colleague the gentleman from Washington (Mr. DICKS) on this issue. When we started this process in 1995, there was not much interest in the Elwha project and Senator GORTON had strong reservations about moving forward.

But a lot has changed over the past 3 years. Through some blood, sweat, and tears, we have made considerable progress in securing funding for the Elwha project and moving a little closer to salmon restoration on the Elwha River. We started this process with authorizing language in the fiscal year 1997 Budget Resolution recognizing the environmental benefits of restoring this pristine and unique river system. Since 1995, we have been successful in securing $11 million in funding toward acquiring these dams.

As the gentleman may know, Mr. Chairman, during consideration of the Senate Interior Appropriations bill for fiscal year 1999, Senator GORTON included language authorizing acquisition of both the Elwha and Glines dams and authorized the removal of both dams subject to the availability of appropriations.

In the process, however, Senator GORTON made clear that the uses of the Federal hydroelectric facilities on the Columbia and Snake Rivers would not be affected by actions on the Elwha. I agree wholeheartedly with the Senator's intention.

Senator GORTON and I have not always agreed on the details of this project. However, I am very pleased that he has indicated a willingness to make changes to his current position and will continue to encourage him to act sooner rather than later on the Elwha River project.

That is why today I introduced legislation that modifies the language that Senator GORTON included in the Senate Interior Appropriations bill. My legislation will authorize acquisition of both facilities and will authorize the removal of the lower Elwha dam subject to the availability of appropriations. My bill also includes an independent scientific review on the benefits of removal prior to removal of the upper Glines dam so that whatever decision we make is based on good, sound science.

Mr. Chairman, I strongly share Senator GORTON's concerns that the actions taken on the Elwha dam set absolutely no precedent on dam removal on the Columbia or Snake Rivers or their tributaries. For that reason, my bill specifically states that dam removal on the Elwha River will not set a precedent on the Columbia or Snake River systems. Finally, my bill provides that no hydroelectric facility can be removed or significantly modified structurally without congressional approval.

Mr. Chairman, it is my hope that, as we work out the final details on the Interior Appropriations bill that you will consider the bill I introduced today as a balanced solution to restoring salmon on the Elwha River.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for his leadership on this issue. I am familiar with it, and I certainly will look with interest at his suggestions and look forward to working with him in an effort to keep the Elwha project moving ahead.

Ms. DUNN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the chairman of the Subcommittee on the Interior.

Mr. Chairman, I would like to take a moment to congratulate the gentleman for all of his very successful work during his chairmanship to prioritize funding for the National Park Service, especially for the crown jewels of the service, our national parks.

Under the gentleman's leadership, the National Park System has continued to see increased funding that has helped to mitigate terrible backlogs in operations and maintenance in all of the National Park Service units.

As the gentleman knows, my congressional district is home to one of our oldest national parks, Mt. Rainier. In fact, Mt. Rainier will turn 100 years old in March of 1999 and has been the recipient of much-needed funds to take care of severe maintenance backlog and construction needs.

Unfortunately, it is far too difficult for the average park enthusiast to find out how much money his or her favorite park needs in any given year. Separating the funding of the national parks into its own category would make it much easier for the public to track the annual funding levels.

On January 7, 1997, I introduced the Crown Jewel National Parks Act to accomplish this common sense reform.

As chairman of the Subcommittee on Interior of the Committee on Appropriations, however, the gentleman has the authority to require that the administration create a separate category for all project funding requests for our 54 national parks.

If I am correct, Mr. Chairman, I respectfully request that the gentleman instruct the administration to make this change beginning in the next fiscal year. This change will give the public the ability to more clearly see how their hard-earned dollars are being spent.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. DUNN. I yield to the gentleman from Ohio.

Mr. REGULA. Yes, that is true. As the chairman of the Subcommittee on the Interior, I do have the authority to require that the administration separate national park funding from the other units under the National Park Service.

I am pleased that the gentlewoman from Washington brought this to my attention and agree that creating a separate category for the national parks will greatly benefit the ability of the public to understand what is happening. In addition, it will enable them to more easily discover that this Congress is committed to taking care of what we have in the public trust.

This year, we have again increased the operating budget of the National Park Service. Under this bill, the National Park Service will receive $99.3 million more than last year.

This subcommittee will continue to make every effort to spend the taxpayers' dollar wisely and exercise appropriate fiscal constraint in carrying out programs financed by the public. We will also continue to encourage the

administration to do the same as they compile and submit their budget to Congress.

The gentlewoman from Washington State has my assurance that I will make this request of the administration before the next budget cycle begins.

Ms. DUNN. Mr. Chairman, I thank the subcommittee chairman and congratulate him on his fine work in increasing the budget of the National Park Service.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished chairman of the Subcommittee on the Interior in a colloquy regarding the language to encourage the U.S. Forest Service to continue the Pinhoti Trail into the Cohutta region of the Chattahoochee National Forest in the State of Georgia.

In the Interior Appropriations bill for fiscal year 1995, I was successful in allocating funds for construction of the Pinhoti Trail in the Armuchee Division of the forest. As the population of Atlanta continues to grow, the Pinhoti Trail has become a high-use recreational area. This trail is now overused, so we really need to see that it is extended.

Does the committee encourage that the Pinhoti Trail be continued in the Cohutta region of the Chattahoochee National Forest?

Mr. Chairman, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, let me say before responding that we have put substantial funding in the trails generally, and I am a strong proponent of trails.

As I mentioned earlier, we, this year, thanks to leadership of the gentleman from Illinois (Mr. YATES) and past years, we are making the final payment on the Appalachian Trail, and I think it ends in Georgia, if I am not mistaken.

Mr. DEAL of Georgia. It either ends or begins, whichever way you look at it.

Mr. REGULA. That is, the glass is half full or half empty.

The gentleman understands that there are limited resources available to the committee. However, due to the increasing population growth in Georgia, we will encourage the U.S. Forest Service to consider extending the Pinhoti Trail into the Cohutta region of the Chattahoochee National Forest.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill contains an historic agreement that has been worked out over many months of negotiations that permanently eliminates the Purchaser Road Credit program that currently subsidizes timber companies to build logging roads in our national forests. As a result, I and others will oppose other amendments to this section this year.

I want to take this opportunity to thank the chairman, a gentleman for whom I have the greatest admiration and respect, for his willingness to participate and carry this provision in this bill and I want to thank Members on both sides of this issue who have spent a great deal of time and effort, and most particularly their staff members who have done such a fine job in working this out.

Katharine Fisher of my staff spent many, many hours in negotiations, as did many others, to carefully craft this agreement. I believe that it is historic in its achievements, and I thank the chairman for his patience and willingness to help us enact it into law.

Mr. Chairman, I would like to engage the gentleman from Ohio (Mr. REGULA) in a colloquy.

Mr. Chairman, am I correct that our intention in reaching this agreement on Forest Service roads in section 330 is to change who pays for the construction and reconstructions of roads necessary to access timber sales in our national forests by eliminating the Purchaser Credit Program?

No longer will it be the responsibility of U.S. taxpayers but rather the timber purchasers themselves will pay for the construction and reconstructions of roads needed to access their national forest timber sales?

Further, is it our intention that those roads constructed and reconstructed by timber purchasers will continue to comply with all environmental laws and minimize the impact on natural resource values, such as water quality?

Finally, Mr. Chairman, do we also intend that the Secretary may not require timber purchasers to pay for the construction and reconstruction of roads beyond those standards used for timber roads, such as for recreation or for frequent use, without compensating the timber purchaser?

Mr. REGULA. Mr. Chairman, will the gentleman from Illinois yield?

Mr. PORTER. I yield to the gentleman from Ohio.

Mr. REGULA. The gentleman from Illinois is correct.

Mr. PORTER. I thank the gentleman very much.

Mr. GREENWOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the chairman of the Subcommittee on the Interior of the Committee on Appropriations to enter into a colloquy to discuss legislation of particular importance to me and many of my colleagues, the Neotropical Migratory Bird Conservation Act.

Mr. REGULA. Mr. Chairman, if the gentleman will yield, I would be very pleased to join in a discussion with the gentleman from Pennsylvania.

Mr. GREENWOOD. Mr. Chairman, as the chairman knows, the Neotropical Migratory Bird Conservation Act would provide safeguard for this Nation's precious and delicate migratory bird population. This program fosters nontraditional partnerships among the business community, nongovernmental organizations and Western Hemisphere nations.

Joining private enterprise with international environmental organizations combines their capital and know-how needed for a successful venture. Partnering these entities with local organizations in the targeted countries encourages and trains local people to carry out the preservation of habitat critical to migratory birds.

In the event that this legislation is enacted before the bill is conferenced with the Senate, I would like to request that consideration be given to funding by the conferees. However, if that is not the case, I would encourage the Department of Interior to consider the funding of this program a priority in its fiscal year 2000 budget.

Mr. Chairman, I recognize the many challenges you face in balancing competing needs and projects in the Interior bill but I would like to emphasize the importance this program plays in arresting the decline of our Nation's neotropical migratory bird population.

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Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I am familiar with this. I have martins that come visit us every summer, and, of course, they migrate to South America. So this kind of thing affects the bird population that moves back and forth between North and South America.

As the gentleman from Pennsylvania points out, there are many competing demands on the limited funds in this bill, but I do recognize the importance of protecting the Neotropical migratory bird population. While we cannot meet every request, as evidenced by these three books with letters from Members, I assure the gentleman that I will work with the gentleman and the Department of Interior to ensure appropriate funding for the program once the legislation is enacted.

I might say I congratulate the gentleman from Pennsylvania (Mr. GREENWOOD) on making this effort. I think it is very important.

Mr. GREENWOOD. Mr. Chairman, I appreciate the commitment and support of the chairman.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. RIGGS) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Committee resumed its sitting.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my distinguished friend, the gentleman from Massachusetts (Mr. KENNEDY), who, along with the gentleman from Illinois (Mr. PORTER), have been two of the people who worked the hardest to try to bring their vision of reform to the National Forest system, to ensure sustainability, to ensure the fact that timber roads are built properly, that we have the highest environmental standards and that we improve these roads and protect our natural heritage.

I regret very much that the gentleman and I have not always seen eye to eye, but I regret the fact he is not going to be with us next year. I have enjoyed working with the gentleman.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, let me just thank my good friend from Washington (Mr. DICKS). Everyone in the country listening to the debate should understand that there is no one in the Congress of the United States that is responsible for cutting down more trees than the gentleman from Washington (Mr. DICKS).

Mr. DICKS. No, that is not true.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to congratulate the gentleman for his phenomenal victory that he has been able to maintain over the course of the last many, many years in this body.

But, on a serious note, we ought to recognize a great warrior in politics, and the gentleman from Washington (Mr. DICKS) certainly fulfills that description. His defense of making certain that we do have proper forestry management in this country is something that I have come to understand better because of the debates that he has fostered on the House floor, and it is important for those of us who want to protect our Nation's forests to understand that our forests have to be managed.

But also it is important for us to make certain that we are not providing taxpayer subsidies to lumber companies that do not need them, lumber companies that have made tremendous profits as a result of the largess of the taxpayers and the people of our Nation and the national heritage of our country, which has the most phenomenal and beautiful forests of any country on the face of the Earth.

I recognize that we need to strike a balance in terms of the types of policies and recognize that it does take taxpayer revenues to support the management of our forests, and we ought to be honest and the Forest Service ought to be honest about what accounts they really need to have, and how much money they need to have, in order to properly manage our forests.

If there are roads that need to be improved, if there are damaged areas of our forest that need to be tended to, if there are fire roads that need to be built, we ought to build those roads, and we ought to put the money in the account that the Forest Service needs. But what we ought not to do is turn around and give subsidies to lumber companies that simply do not need them. Far too often in the past we have commingled those funds and had a complete misunderstanding about what actually we were paying for.

I believe that the administration's policy, which I know the chairman of the committee has now gone along with, as well as my friend the gentleman from Washington (Mr. DICKS), which gets rid of the purchase-a-road credit program, which suspends the forest subsidies, the lumber subsidies we were giving to the timber companies, which recognizes that we ought to have and continue this moratorium into the future, until we get an honest accounting of what in fact the Forest Service needs and what they do not need.

I have never backed away from asking for taxpayer dollars for legitimate needs of the people of this country. Where there are legitimate needs of our forests, we ought to provide the funding. But we ought not to be mixing up and providing funding to lumber companies that are simply using subsidies that they do not need in order to make more and more profits.

I want to commend the gentleman from Washington (Mr. DICKS), the chairman of the committee, the gentleman from Ohio (Mr. REGULA), and the gentleman from Illinois (Mr. PORTER) for the efforts they have made, and also want to say the gentlewoman from Oregon (Ms. FURSE) has an amendment which is coming up which I believe will once again highlight some of the discrepancies and issues that need to be addressed further in order to clarify exactly what accounts we ought to be putting money in and what accounts we should not be putting money in.

I do want to thank my good friend the gentleman from Washington (Mr. DICKS), and recognize the great contribution he makes.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to associate myself with the remarks of the gentleman from Washington (Mr. DICKS) and compliment all the parties and the goodwill of the gentleman from Massachusetts (Mr. KENNEDY). We had a spirited debate on this issue last year, as we all know, and I think we have reached a reasonable compromise. I hope that the gentleman from Massachusetts (Mr. KENNEDY) will look at the numbers. I think we have done in the bill much of what the gentleman is suggesting there in terms of funding reconstruction of roads, trying to improve forest health, and making the forest a viable part of our Nation's recreation resources.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for one additional minute.)

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, the forest is a viable part of our Nation's recreational resource, as well as a source of wood fiber under proper circumstances. Unfortunately, I will not be able to use my two-by-four as evidence this year, so I will point out, so I have not wasted all this time, that the price of a two-by-four eight feet long has gone in 10 years from $1.75 to $3.09, so that has an impact on the cost of housing.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will yield further, I would just like to point out once again that that poor old piece of board that the gentleman is holding there that came from some lovely tree that was growing in one of our Nation's wonderful forests did not end up in fact costing a whole lot more. What ended up costing a lot more was the profits to the lumber company, was the profits to the guys that are cutting the trees, was the profits to the guys that are marketing that lumber, and none of it went to the taxpayer. But we could have this debate all over again, if the gentleman wants to get into it.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are a couple of points in the bill that we expect to get to in conference that I hoped I might be able to discuss with the chairman of the subcommittee.

In particular the bill already includes, Mr. Chairman, as you know, an increase in funding for the management of the National Wildlife Refuge System. I strongly support that increase, among other reasons because it is my understanding that such sites as the Rocky Mountain Arsenal Refuge and the Two Ponds Refuge, both located in the metropolitan Denver area, would be examples of the kind of refuges that would benefit from this increase. I hope the chairman can confirm my view in that respect.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman is correct. The increase provides for addressing operational and maintenance backlog requirements for all the refuges.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments on that. I also anticipate that the gentleman's bill will pass and we will get to conference, and anticipate this is something that may come up when we do reach conference with the Senate. Section 118 of the Senate bill addresses funds transferred for activities aimed at the recovery of endangered fish species in the upper Colorado River Basin and the San Juan River Basin, and limits what is termed the overhead that can be charged against those funds.

I hope the chairman would review this matter when we do go to conference to see if a similar provision could be included in the final version of the bill, which I think would be a good idea.

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, of course, the gentleman will be a conferee, and I think we will all be pleased to take a closer look at this provision in the conference.

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman's consideration, and thank him for the opportunity to have this conversation.

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me tell my colleagues, who I know are waiting patiently to offer further amendments to this bill, that I rise for the purposes of engaging in a colloquy with the subcommittee chairman, who a year ago at this time worked long and hard with me and other concerned Members of Congress on a bicameral and bipartisan basis to secure the congressional authorization and appropriation of $260 million to do a major forest land acquisition in my congressional district. The forest land in question includes the acreage known as the Headwaters Forest, one of the last if not the last unentered, unlogged stand of old growth redwood and Douglas fir forest land in private ownership.

We believed a year ago, as we believe today, that this is a very important land acquisition for the American people, worthy of Federal taxpayer support. The agreement also included participation by the State of California government and by State taxpayers to the tune of $130 million in order to consummate this particular acquisition.

Again, I want to emphasize to my colleagues how important the chairman's leadership was on this issue and how diligently and for many, many days we worked, again on a bipartisan, bicameral basis, to secure the necessary congressional approvals for this agreement.

In light of that, Mr. Chairman, I am very dismayed that the State government has not approved their share of the funding to date. In fact, as we meet and deliberate this annual spending bill, the State legislature and the Governor of California, Pete Wilson, continue in deliberations over the State budget for the fiscal year 1999 that was due on July 1st of this particular year.

Mr. Chairman, I want to confirm tonight through this colloquy my understanding that the Headwaters Forest, or this forest land acquisition, was, again, only agreed to after many, many weeks of negotiations among the gentleman's committee, the authorizing committees, the staff that worked very hard on this particular provision of last year's Interior appropriations spending bill, and the Clinton Administration, and that the terms and conditions of this proposed acquisition are fair to all parties, including the private landowners who are party to this agreement.

Mr. Chairman, is it your intention to change any of these conditions or deadlines that are called for in the agreement that was inserted into last year's Interior appropriations spending bill and, therefore, effectively codified into law?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I agree with my colleague that these negotiations were very difficult, and, of course, the gentleman from California (Mr. RIGGS) played a major role in achieving an agreement. But, in the end, we struck an agreement that addressed the concerns of all parties.

Let me assure my colleague, I will not support any efforts by the administration or the Congress to change any of the deadlines that were negotiated as part of this very costly and very controversial acquisition.

Mr. RIGGS. Reclaiming my time, Mr. Chairman, I know that we had to convince the chairman that this acquisition was worthwhile to get his personal support, and, again, Federal taxpayer funding in the hundreds of millions of dollars.

So I would ask the gentleman from Ohio (Chairman REGULA) to again confirm my understanding: Before the Federal Government provides the $260 million that was authorized and appropriated for the Headwaters Forest acquisition, including $10 million in mitigation to the local government in Humbolt County, California, that the State of California is required to provide $130 million as its share of this acquisition.

As I mentioned, currently certain legislators, the Democratic leadership of the California State legislature, are holding up funding for Headwaters in an effort to obtain further environmental concessions beyond those agreed to by the Federal Government and the State of California Government, in conjunction with the property owner.

Therefore I am rising tonight, Mr. Chairman, to express that concern that these efforts will in fact kill the agreement that was worked out a year ago, and I would like to know if the gentleman from Ohio (Chairman REGULA) shares these concerns?

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Mr. REGULA. I agree with the gentleman that it would be a shame if this agreement falls apart after all the laborious negotiations because some people wish to make changes at the eleventh hour.

Mr. RIGGS. Mr. Chairman, reclaiming my time, once again I want to thank the gentleman for his help and his vision and his good counsel.

I will wrap up very briefly by saying I really believe this is our last best chance to see this particular forest land acquisition become a reality. I am concerned when I see newspaper headlines, and I intend to insert these articles in the RECORD under general leave, but I am concerned when I see newspaper headlines as recently published: "Activists' Demands Jeopardize Deal for Headwaters Forest;" "Headwaters Forest Plan Has Politicians at Loggerheads," again referring to the State budget deliberations in Sacramento.

[From the Press Democrat, June 29, 1998]

ACTIVISTS' DEMANDS JEOPARDIZE DEAL FOR HEADQUARTERS

(By Mike Geniella)

As recently as late February, negotiators trying to complete public purchase of the target tract of ancient redwoods in private ownership were patting themselves on the back, confident the North Coast's longest running environmental controversy had been resolved.

Four months later, a $380 million agreement to buy Headquarters Forest from Pacific Lumber Co. is on the verge of collapse, the result of the increased demands by environmental leaders who felt frozen out of the process and vanishing patience on the part of a tough Texas tycoon who owns the trees.

At stake is the future of 3,000 acres of old growth redwoods in southern Humboldt County that have become a national symbol of environmental problems and, for environmentalists, a harbinger of a "mass extinction" of plants and animals that some wildlife biologists say is already underway.

Originally destined to be turned into lumber Headwaters Forest helped galvanize antilogging protests in the early 90s and prompted Sen. Dianne Feinstein D-Calif., and the Clinton administration to make the controversy a personal challenge. After months of tough negotiations, Feinstein eventually brokered a purchase arrangement with Pacific Lumber that would create a 7,500-acre redwood preserve with Headwaters as it centerpiece.

But environmentalists, who were not privy to most of the negotiations, felt shut out of the process and now are demanding further review of the settlement.

Sierra Club representative Elyssa Rosen said because critical environmental provisions were negotiated behind closed doors,

"The loopholes in the deal are so big you could drive a logging truck through them.

Environmentalists have enlisted the support of Democrat state legislators, including Assemblywoman Virginia Strom-Martin of Duncans Mills, who are now holding up the state's $130 million share of the purchase price in hopes of increasing protections for 200,000 acres of other redwoods owned by Pacific Lumber.

"Proponents are saying adequate protections are there, but we really don't know that," said Strom-Martin.

To Pacific Lumber officials, criticism of the agreement is simply another example of a familiar political gambit in which environmentalists seek and get concessions, then up the ante again, knowing that in the meantime Headwaters trees are not being cut.

"They keep moving the goal posts," Charles Hurwitz, whose Maxxam Inc. owns Pacific Lumber, complained earlier this year.

Pilloried by environmentalists for not agreeing to more environmental safeguards, Hurwitz and Pacific Lumber are also coming under fire from their own industry for making too many concessions to state and federal agencies, which industry executives fear will become standard for all.

Meanwhile, Feinstein and other public officials who support the pact are increasingly frustrated, arguing that if it is not consummated soon, any practical chance of permanently protecting Headwaters may be lost.

"This is it. We're not going to get another chance," said Feinstein.

The senator, who presided over the Washington, D.C. talks on behalf of the Clinton administration, said last week that she's deeply concerned that the agreement might collapse if critics persist in their tactics.

"If this agreement fails at the state level, it will send a very strong signal to the federal government. I can assure you a $250 million congressional authorization to protect Headwaters won't happen again," said Feinstein.

Saying she's respectful of state lawmakers' concerns Feinstein said, "I truly hope we can find a way to work this out. But the bottom line is that time is marching on, and if we don't do this deal now, it will never be done."

Representatives of the Wilson administration say the same political stopwatch is running at the state level.

"If the Legislature doesn't include the state funding in this year's budget, the chances are virtually nil we can ever resolve this controversy," said state Resources Secretary Doug Wheeler.

Hurwitz representatives said last week they're done dealing.

"We've negotiated this deal over many, many months, and along the way won bipartisan support in Congress and approval from state and federal scientists. What more could anyone ask?" said Hurwitz spokesman Bob Irelan.

If the Headwaters deal falters, Pacific Lumber and Hurwitz vow to renew claims in federal court that the government, through regulatory constraints, has effectively confiscated its old-growth timberlands.

Critics argue that Hurwitz couldn't possibly win such a case—known in legal parlance as a "takings" argument—because he still can derive economic benefit from Pacific Lumber's remaining timberlands.

But legal experts suggest the issues are more complex.

"Frankly, there continues to be a state of confusion surrounding the 'takings' issue," said Jerold Kaplan, a Harvard University professor and former senior fellow at the Lincoln Institute of Land Policy in Cambridge, Mass.

Based on recent court cases, including Supreme Court rulings, Kaplan said, "Government still has the upper hand, and has since the 1920s. But there has been a slight shift in the direction of granting further protections to property owners since 1987, although I must emphasize slight," said Kaplan.

Hurwitz has hired a high-profile Southern California attorney who specializes in takings cases, and he's more sanguine about Pacific Lumber's chances, saying the company could win $500 million or more in damages if its takings lawsuit is pursued.

"What the critics don't get is that we're not alleging the government is ?????? ing regulatory restraints on our operation," said lawyer Michael Berger of Santa Monica. "What's wrong is that government is protecting the environment at the expense of a private property owner."

"The real issue is, who's going to pay for that protection?"

Environmentalists, however, argue that the stakes are so high that the Headwaters agreement must be modified.

State Sen. Byron Sher, a Palo Alto Democrat, said if the public looks beyond "the hype over the deal to save the Headwaters Forest, you'll see that taxpayers may not be getting their money's worth."

Outlining his position in a recent opinion piece, Sher said he believes the proposed 7,500-acre Headwaters preserve alone is not worth the $380 million price tag.

Sher argued the price can only be justified "if the public can be assured that the side agreement—a giant string attached to the purchase known as a habitat conservation plan—won't imperil the future of endangered species on Pacific Lumber's 200,000 acres.

Because funding of the state's $130 million share of the Headwaters deal is dependent on a required two-thirds majority in the Legislature, Sher is confident critics can muster enough votes to block legislative approval.

But Feinstein and other proponents argue it's unfair for Sher and his supporters to try to renegotiate key provisions of an agreement that was reached only after more than 100 hours of intense, face-to-face negotiations among state, federal and Pacific Lumber Co., representatives in Washington, D.C.

Wheeler, Pete Wilson's chief negotiator during the Headwaters talks, said he finds it "troubling that at this late date a few members of the Legislature are attempting to substitute their judgment for that of state and federal scientists who have negotiated very stringent requirements."

According to Wheeler, the choice is clear.

"Either legislators seize the opportunity now, or lose it for all time to come," he said.

Ultimately, for environmentalists, the question may be whether no deal is better than a bad deal.

"That's a tough call," said the Sierra Club's Rosen. "I think most parties would really like to see the agreement go forward. But the Sierra Club is going to have to see something better on the table before we can support state approval."

[From the San Jose Mercury News, July 18, 1998]

HEADWATERS FOREST PLAN HAS POLITICIANS AT LOGGERHEADS

SAYING IT'S NOT ENOUGH, SHER HOLDS UP AGREEMENT

(By Paul Rogers)

For the past 12 years, environmental activists have chained themselves to trees and hung off the Golden Gate Bridge trying to save the ancient redwoods of Northern California's Headwaters Forest from logging.

Yet in perhaps the most important showdown yet, the struggle has moved away from the TV cameras and the police in riot gear to a new arena: Gov. Pete Wilson's office.

And now it's crunch time.

A $380 million deal to buy 7,500 acres of the forest from Pacific Lumber Co. of Humboldt County is tangled up in negotiations this weekend among "The Big Five"—Wilson and the top Sacramento lawmakers haggling over the state's budget.

One person more than any other is responsible for holding up the redwood deal: state Sen. Byron Sher, D–Redwood City. And environmentalists couldn't be happier.

Congress already has approved $250 million for the deal. The remaining $130 million must come from Sacramento.

But the deal shortchanges taxpayers and doesn't go far enough to protect salmon streams or old-growth trees, Sher says. So, the 70-year-old Standford University law professor, widely viewed as the environmental dean of the Legislature, earlier this year succeeded in pulling the state's $130 million share out of the budget, where Wilson wanted it. Instead, Sher wrote a separate bill demanding tougher logging rules across the Pacific Lumber's remaining 200,000 acres as a condition of receiving the money.

But he has found himself caught in a powerful bipartisan squeeze from Wilson—California's most powerful Republican—and U.S. Sen. Dianne Feinstein—the state's most powerful Democrat—both of whom painstakingly negotiated the deal with Pacific Lumber owner Charles Hurwitz and now want to see it survive.

"It's high noon for this deal," said Carl Pope, national executive director of the Sierra Club. "Byron Sher is under a tremendous amount of pressure. I'm delighted he has been firm."

The question now is who will blink. The answer could come any day now. Wilson and the Republicans could go along with Sher and require the tougher standards. That could happen under a scenario where Wilson compromises on Headwaters to win from Democrats his top goal, a cut in the state's car licensing fees. But one risk is that Hurwitz will walk away from the table. Or top Democratic negotiators—Senate President Pro Tem John Burton, D-San Francisco, and Assembly Speaker Antonio Villaraigosa, D-Los Angeles—could abandon Sher, cutting a deal with Wilson that gives them what they want on issues such as education funding.

Environmental and timber lobbyists have spent weeks frenetically trying to sway lawmakers.

"Of course I'm nervous," said John Campbell, president of Pacific Lumber, based in Scotia, near Eureka. "We've spent over 10 years at this. And now at the 11th hour people are saying it's not enough."

Sher's bill, said Campbell "is too restrictive. The company could not remain economically viable."

Feinstein also says Sher is driving too hard a bargain.

"There have been at least 10 separate efforts to save Headwaters over the last 12 years," she said, describing herself as "incredulous." "Every one of them has failed. This saves virtually more redwood than any other effort I know of."

If Sher keeps pushing for a stricter deal, she said, that could endanger $250 million in federal money already approved by Congress and signed by President Clinton.

FUNDS COVETED

"There are murmurs back here from other senators about what they would like to do with the money instead," said Feinstein. "I can say 100 percent that if this doesn't go through, then the federal money is gone. I feel I've done everything I could over a long period of time to get the best I could. At some point people have to trust that and recognize that."

Headwaters Forest, 15 miles south of Eureka, is the world's largest privately owned old-growth redwood forest. It has been a flash point of national controversy since 1985, when Hurwitz, chairman of Houston-based Maxxam Inc., acquired Pacific Lumber in a hostile takeover, doubled the rate of logging and threatened to clear-cut Headwaters Grove.

After huge protests, Feinstein and other officials reached an agreement with Hurwitz in 1996 to buy 7,500 acres—about half of it old growth—for parkland.

The deal also requires Pacific Lumber to prepare a "habitat conservation plan" for managing its remaining 200,000 acres of forest during the next 50 years.

This week, details emerged in a 2,000-page document from the U.S. Fish and Wildlife Service, negotiated with Pacific Lumber.

The plan calls for banning logging within 30 feet of endangered salmon streams. By contrast, Sher's bill calls for 170-foot buffer zones.

And although the plan would preserve 11 smaller old-growth groves, Sher wants another, Owl Creek.

He said he's not scuttling any deal, just representing the taxpayers of California.

"I know that Senator Feinstein has invested a lot in this," Sher said. "She deserves credit for getting the agreement. And she was instrumental in getting the appropriation.

"But I don't believe I was elected by my constituents to rubber-stamp a deal that was made behind closed doors in Washington. The Legislature had no influence over it, and then they say OK, give us $130 million."

If he were almost any other Senate member, Sher probably would have been steamrollered by now.

But on environmental topics, he carries considerable influence.

As an assemblyman in 1988, Sher wrote the state's Clean Air Act. In 1989 he wrote the law that required California cities and counties to reduce by 50 percent their trash, through recycling, by 2000. He also has written laws to toughen drinking water standards, monitor acid rain and put scenic rivers off limits to dams.

"We have a responsibility to see if this is a good deal for the state of California," said Sher. "And frankly it has serious flaws in it, particularly in protecting coho salmon."

So far, Sher appears to be winning.

In a key test on Thursday, Republican Cathie Wright of Simi Valley attempted to put the $130 million in Headwaters money back in the budget bill. She was rebuffed by budget conference committee Chairman Mike Thompson, D-Napa.

DEAL IS POSSIBLE

Thompson, who is running for Congress this November to represent the North Coast district that includes Headwaters Forest, signed on two weeks ago as a co-sponsor to Sher's bill.

"Senator Thompson thinks the Sher bill makes the agreement stronger," said Ed Matovcik, chief of staff for Thompson.

Meanwhile, Wilson's staff hinted on Friday that he may be willing to wheel and deal on Headwaters.

"It has been the administration's preference to pay for the Headwaters agreement out of the general fund," said Ron Low, a spokesman for the governor. "That's the governor's preference. But as to any deals, negotiations are ongoing."

To approve the funding in any form will require a two-thirds vote of the Legislature.

If the entire deal collapses, environmentalists will be in court fighting Hurwitz on each timber cutting plan. They say that would be better than the precedent-setting deal.

But the company says having the deal fall through would be a disaster.

"I just hope the issue is put to bed," said Campbell. "It's crucial to our 1,500 employees. It will finish a very divisive period on the North Coast. Otherwise, we're back to square one."

So, Mr. Chairman, I appreciate the chairman sharing my concerns and supporting me in entering into this colloquy so that hopefully, we can send a message to our counterparts in Sacramento that they need to get the job done and we should not miss this opportunity, because it is, in fact, our last best opportunity to make this forest land acquisition a reality.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Washington, the distinguished ranking member of the subcommittee.

Mr. DICKS. Mr. Chairman, let me just say this to my friend from California. We had a major debate a few years ago on the Riggs amendment. I stood up and urged that the company develop a multi-specie habitat conservation plan.

Now, they negotiated for 2 years with the Federal Government. This is the most difficult negotiation that I can think of. I think the standards here are the highest in the entire country, including some of the standards that are developed in Washington State and are going to be imposed in this agreement.

So I think the company, the Pacific Lumber Company, has been acting in complete good faith, and I would just hope that the legislature in California would provide the resources that they have committed from the State in order to bring this together. If anybody thinks that the standards here of a multi-specie agency are not really high, they just do not understand what is required under the Endangered Species Act.

The CHAIRMAN. The time of the gentleman from California (Mr. RIGGS) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. RIGGS was allowed to proceed for 30 additional seconds.)

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I think it is almost miraculous that they made it, and I hope that we can put this together, because I think it is a good agreement.

Mr. RIGGS. Mr. Chairman, reclaiming my time and finishing this colloquy, I appreciate the gentleman's sentiments and I appreciate him joining with me and the chairman in sending that bipartisan message to Sacramento.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $197,444,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $156,167,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the headings "Forest and Rangeland Research", "State and Private Forestry", "National Forest System", "Wildland Fire Management", "Reconstruction and Construction", and "Land Acquisition", $1,231,421,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l-6a(i)).

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and waters, $631,737,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

RECONSTRUCTION AND CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $271,444,000, to remain available until expended for construction, reconstruction and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed: *Provided further*, That the Forest Service may make an advance of up to $200,000 from the funds provided under this heading in this Act and up to $800,000 provided under this heading in Public Law 105-83 to the city of Colorado Springs, Colorado for the design and reconstruction of the Pikes Peak Summit House in accordance with terms and conditions agreed to.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C.

4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 177 passenger motor vehicles of which 22 will be used primarily for law enforcement purposes and of which 176 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 198 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the advance consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, hereafter any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, hereafter money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall hereafter be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 note, 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, hereafter the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $2,225,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least a one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-

Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101-612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104-134, the direct grants provided in subsection (c) shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The amount obligated during fiscal year 1999 from the Knutson-Vandenberg fund provided in section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), for indirect support activities (as defined in the Forest Service Handbook) may not exceed 25 percent of total amount obligated from such fund during such fiscal year.

The amount obligated during fiscal year 1999 from the timber salvage sale fund provided in section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h)) for indirect support activities (as defined in the Forest Service Handbook) may not exceed 25 percent of total amount obligated from such fund during such fiscal year.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $320,558,000, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION (INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1998, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant shall be immediately transferred to the general fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $14,000,000, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1999: *Provided further*, That, notwithstanding any other provision of law, funds available pursuant to the first proviso under this head in Public Law 101-512 shall be immediately available for all naval petroleum and oil shale reserve activities.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $630,250,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1999 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That $150,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs as follows: $120,000,000 for weatherization assistance grants and $30,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,801,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $160,120,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $68,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

The Secretary, in fiscal year 1999 and thereafter, shall continue the process begun in fiscal year 1998 of accepting funds from other Federal agencies in return for assisting agencies in achieving energy efficiency in

Federal facilities and operations by the use of privately financed, energy savings performance contracts and other private financing mechanisms. The funds may be provided after agencies begin to realize energy cost savings; may be retained by the Secretary until expended; and may be used only for the purpose of assisting Federal agencies in achieving greater efficiency, water conservation and use of renewable energy by means of privately financed mechanisms, including energy savings performance contracts and utility incentive programs. These recovered funds will continue to be used to administer even greater energy efficiency, water conservation and use of renewable energy by means of privately financed mechanisms such as utility efficiency service contracts and energy savings performance contracts. The recoverable funds will be used for all necessary program expenses, including contractor support and resources needed, to achieve overall Federal energy management program objectives for greater energy savings. Any such privately financed contracts shall meet the provisions of the Energy Policy Act of 1992, Public Law 102-486 regarding energy savings performance contracts and utility incentive programs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,932,953,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $377,363,000 for contract medical care shall remain available for obligation until September 30, 2000: *Provided further*, That of the funds provided, up to $17,000,000 may be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2000: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $194,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 1999.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $313,175,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: *Provided further*, That, heretofore and hereafter and notwithstanding any other provision of law, funds available to the Indian Health Service in this Act or any other Act for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act and no funds appropriated by this or any other Act shall be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact, or funding agreement entered into between an Indian tribe or tribal organization and any entity other than the Indian Health Service: *Provided further*, That, notwithstanding any other provision of law, hereafter any funds appropriated to the Indian Health Service in this or any other Act for payments to tribes and tribal organizations for contract or grant support costs for contracts, grants, self-governance compacts or annual funding agreements with the Indian Health Service pursuant to the Indian Self-Determination Act of 1975, as amended, shall be allocated and distributed to such contracts, grants, self-governance compacts and annual funding agreements each year on a pro-rata proportionate basis regardless of amounts allocated in any previous year to such contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That reimbursements for training, technical assistance, or services provided by

the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, $13,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $346,449,000, of which not to exceed $48,076,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $4,500,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $44,500,000, to remain available until expended, of which $4,500,000 is for the Security System Modernization Program: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $2,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the planning or design of any expansion of current space or new facility without the advance approval of both the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used to prepare a historic structures report, or for any other purpose, involving the Holt House located at the National Zoological Park in Washington D.C.

None of the funds in this or any other Act may be used to pay any judgment resulting from a complaint filed by Geddes, Brecher, Qualls & Cunningham in the United States Court of Federal Claims regarding the National Museum of the American Indian Mall Museum.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101-185 for the construction of the National Museum of the American Indian.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $57,938,000 of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended: *Provided*, That all functions and activities of the National Gallery of Art funded herein shall be subject to the requirements for a Federal entity under the Inspector General Act of 1978 (5 U.S.C. App. 3).

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,311,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $12,187,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $9,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $96,800,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,900,000, to remain available until expended, of which $9,900,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $23,405,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant

or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $898,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), $2,800,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, $5,954,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388 (36 U.S.C. 1401), as amended, $31,707,000, of which $1,575,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out Title I of the Omnibus Parks and Public Lands Management Act of 1996, $14,913,000 shall be available to the Presidio Trust, to remain available until expended. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $25,000,000.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 92, line 11 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. ENSIGN

Mr. ENSIGN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENSIGN:

Page 56, line 2, after "$156,167,000" insert "(increased by $5,300,000)".

Page 40, line 14 after "$37,304,000" insert "(decreased by $5,300,000)".

Mr. ENSIGN. Mr. Chairman, I rise today to offer this amendment because we need this extra money to go into this account so that we can bring this extra money to Lake Tahoe. The Tahoe Regional Planning Agency, which is a bistate agency, has said that we need $6 million for clarity improvement in Lake Tahoe.

First, Mr. Chairman, I would like to recognize the efforts of the chairman of the subcommittee who has included $700,000 in the bill for erosion control around Lake Tahoe, and I know that the people of Nevada thank the chairman for doing this. However, I think that it is important to point out the dire situation Lake Tahoe is experiencing.

First let me say that I grew up at Lake Tahoe. It is a wonderful area and it is still. Even with the decrease in the quality of the clarity of the water, Lake Tahoe is still one of the jewels of the entire world. It is a place where people come from all over this country and literally around the world to see its magnificent beauty.

However, in the last 20 years the lake has lost 25 percent of its clarity. If one flies over Lake Tahoe, one used to be able to see so far down just from the naked eye from an airplane and be able to see huge boulders. There is a visible difference, just with the naked eye, where one can see the difference in the clarity in the last 20 years.

We are at a crossroads. Each sediment particle carries nutrients that spur algae growth in the lake, and this hurts the clarity. We all need to work together. Commitments have been made and it is time for Congress to step up to the plate in our efforts.

Lake Tahoe is an area rich in history and heritage, and we must protect the tranquility of not only the lake itself, but of the surrounding areas. Protection of environmentally sensitive lands and maintenance of water quality should be our highest priority.

The list of activities that are necessary to protect this natural pristine treasure is very long. Supporting this amendment and supplying this much-needed funding is the first step in our long journey to protect the lake.

Millions visit this Alpine community each year, while thousands of families call it home every day. Environmental groups and grassroots organizations have recognized the importance of immediate action to save Lake Tahoe, and just last year, the President and Vice President traveled to Lake Tahoe to personally listen to the challenges in protecting this national treasure.

Nevada, California, and the administration have made strong efforts to focus on the lake and take further actions, whatever actions are necessary for its preservation. It is time for the Members of this body to do the same and support this environmental initiative to save our beloved treasure before it is too late.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. ENSIGN. I yield to the gentleman from Nevada.

Mr. GIBBONS. Mr. Chairman, I thank my colleague and commend him for his leadership role in helping to preserve Lake Tahoe and the environment surrounding it. The gentleman has been a leader on this issue during his term in the United States Congress and certainly all of us appreciate that.

There is no doubt that Lake Tahoe is a national treasure. In fact, over 130 years ago, Mark Twain, when he first crossed the Sierras and set gaze upon the Lake Tahoe Basin, said that Lake Tahoe was the fairest land in all the world, and that remains so today.

However, today the health of the lake is at risk. As my colleagues have heard, algae growth is reducing the visibility by more than 30 feet today in the lake. Algae growth is primarily due and responsible from erosional runoff. It is the health of the forest that is responsible for that algae growth due to runoff.

Today, one out of every three trees is either dead, dying or decayed, which sets up a rare fuel environment for wildland fire, which will have a catastrophic effect on not only the human loss of life in the area, but also property loss, as well as increasing the erosional runoff by an enormous proportion.

The resulting massive erosion will only add to the problems of the lake clarity. This money will go to improving the health of that forest, which will ultimately help the health of the lake as well.

Mr. Chairman, I urge my colleagues to support this measure, and I thank the gentleman from Nevada for his leadership on this issue.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. ENSIGN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman, and I appreciate the efforts of the gentlemen, both gentlemen from Nevada, to protect Lake Tahoe. In fact, it is in large part due to their efforts that the $700,000 appropriated in this bill for erosion control is the largest amount of money ever dedicated to this effort.

While I regret that I cannot support the gentleman's amendment, if he would agree to withdraw the amendment, I will work with him in conference to address his concerns.

Mr. ENSIGN. Mr. Chairman, reclaiming my time, I appreciate the chairman's remarks.

The CHAIRMAN. The time of the gentleman from Nevada (Mr. ENSIGN) has expired.

(By unanimous consent, Mr. ENSIGN was allowed to proceed for 1 additional minute.)

Mr. ENSIGN. Mr. Chairman, let me just close by saying that Lake Tahoe, let us not forget, is a place where people come from all over the world and

they think it is incredible beauty when they look at the lake. But those of us who grew up there and have been there for any length of time can see with our visible eye the decreasing clarity in the lake, and this is a treasure we cannot afford to lose. It is too important.

So I appreciate the work that the chairman is going to do on behalf of Lake Tahoe.

The CHAIRMAN. The time of the gentleman from Nevada (Mr. ENSIGN) has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. ENSIGN was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, if the gentleman will yield to me briefly, I was interested in both of the gentleman's comments about apparently unification taking place in the lake. Is it caused by runoff from the surrounding national forests bringing nutrients in?

Mr. ENSIGN. Mr. Chairman, there are several causes for the increase in the clarity. The nutrients that are coming in due to erosion is probably one of the biggest parts. There is also, unfortunately, from northern California the air pollution coming over the Sierras is also causing the nitrogen to get down, which is food for the algae. So there are two problems that are really kind of almost exacerbating each other and decreasing clarity is the result.

So we need to work on this. Erosion control is a very important part, but we also need it in other places.

Mr. REGULA. Mr. Chairman, I thank the gentleman for the clarification.

Mr. ENSIGN. Mr. Chairman, I ask unanimous consent at this time to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

AMENDMENT NO. 8 OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. FURSE:

Page 56, line 18, insert before the period at the end the following: : *Provided*, That, of the funds made available in this paragraph, $130,176,000 shall be for timber sales management, $87,654,000 shall be for watershed improvements, and $168,018,000 shall be for recreation management.

Ms. FURSE. Mr. Chairman, what I would like to do is tell my colleagues what this amendment does.

This amendment takes $80.5 million from the timber management line item and the National Forest Service section of the Interior Appropriations bill and it reallocates that money to watershed improvement and recreational management.

Let me also say what it does not do. It does not cut money for road maintenance; it does not eliminate the Federal commercial timber program; it does not affect forest stewardship or personal use sales, and it does not prevent Americans from obtaining fire wood and Christmas trees.

How did I arrive at the $80.5 million? That number is derived from adding together the money lost, lost, I repeat, on commercial timber sales in individual forests in all nine Forest Service regions. I added them together and we have a total of $80.5 million. It allocates that money to some things that will really improve our forests.

What does it do? It allocates money to restoration, to restoration of watershed. Why do we do that? Because not only are watersheds vital to drinking water supply, they are critical to the survival and restoration of healthy fish populations in the West and in other parts of the country.

It puts money to recreation management; $20 million is sent to recreational management, because recreation is going to be more and more the use of our national forests, and we need to get our Forest Service ready and able to deal with that. Recreation is a huge contributor. It contributes over $105 billion to the GDP, or nearly 85 percent of the total forest system contribution. It results in over 2.7 million jobs.

Mr. Chairman, a study by the American Sports Fishing Association says that angling in the national forests generates $8.1 billion. Fishing and other wildlife activities generate more than $200,000 of full-time equivalent jobs in the United States.

So my amendment is sensible; it is environmentally sensible, and it is economically sensible.

Mr. Chairman, I will tell my colleagues why I am not alone in thinking that. I have here over 40, 40 editorials from national newspapers across the country supporting the Furse amendment. Organizations and groups have worked together to support this amendment.

Now, I believe that the national forest is getting on the right track. I believe that it is going that way. However, I think that we need to go a little further.

Now, unfortunately, Mr. Chairman, sometimes circumstances, circumstances make having the right thing happen impossible, despite goodwill and good intentions. When I joined this Congress, the gentleman from Washington (Mr. MCDERMOTT) said to me, he said, "You know, Elizabeth, victory comes not to the pretty, but to the persistent."

Well, under these circumstances I think it is wise to be persistent and patient, although I will continue, I hope, to be pretty. Eventually the outcome is what I am striving for: Better forests, better forest management.

My mentor, my personal mentor and hero, Nelson Mandela, President of South Africa, knew that it was important to be persistent. He added 2 years, stayed in jail 2 years longer in order to achieve what he thought was the best thing for South Africa, for his beloved South Africa.

□ 1945

And so although it is very difficult for me because of the heroic work of the environmental movement and the activists, I have decided today in order to protect my beloved forests that they can better get the overwhelming support that they need and deserve in another area. Because we already have a very good agreement in this bill, I think that it is important for me to announce my intention to withdraw my amendment so that another time it will get a majority of support.

Mr. Chairman, I hope that people will not forget that these forests do not belong to the timber companies or to the forest agencies or even to Members of Congress

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I would just want to commend the gentlewoman from Oregon (Ms. FURSE) for offering her amendment. Persistence is a word that we will long identify with her in this effort. The gentlewoman from Oregon and the gentleman from Massachusetts (Mr. KENNEDY), who was here earlier, have been two very, very persistent people who have started off in amendments that received very few votes. The gentlewoman did it on the rider. The gentleman from Massachusetts has done it on forest roads.

We saw this Congress arrive at a point where both of those policies have been discredited. They have been dramatically changed. And as was pointed out, we are headed in a direction now for the first time with this agreement that recognizes what I believe is the reality of the forests, the reality of the West.

The CHAIRMAN. The time of the gentlewoman from Oregon (Ms. FURSE) has expired.

(On request of Mr. DICKS, and by unanimous consent, Ms. FURSE was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, if the gentlewoman would continue to yield, that reality is that our populations, along with the national populations, seek to have these forests properly managed, not there just for a single purpose.

Many of our colleagues on the other side and many on our side have talked about multiple use. For the first time we are talking about real multiple use that recognizes the watershed value of these forests, that recognizes the timber value of these forests, that recognizes the habitat value of these forests,

that recognizes the recreational value of these forests.

Many of the problems that the gentleman from Ohio (Mr. REGULA) and the members of the committee are having to deal with and spend money on are having to make up for very bad forest policy in the past, where we have huge scars on our landscape and huge scars on our waterscape. Now we are spending billions of dollars to go back and try to restore these forests, to reclaim these forests, to replant these forests. And it is much more expensive to do it this way than to do it right the first time, the kind of policy that has been articulated on behalf of our forests in the past by the gentlewoman.

This amendment that the gentlewoman is offering to move these monies toward those priorities, recognizing the need, recognizing the urgency, I do not have to tell the gentlewoman as a resident of the Northwest, or myself as a resident of California, we are on an urgency timetable here if we are, in fact, going to salvage some of these species that are at risk in terms of the fisheries and in terms of that habitat.

So, I also want to recognize the gentlewoman's very serious and pragmatic judgment about the withdrawal of this amendment because of the agreement that is in place. But that agreement is in place because of her persistence over the years, along with others, on these amendments.

Mr. Chairman, it was lonely in the beginning, but it turned out to be the majority position, and I think clearly recognizes in the agreement in this bill that this is the majority position of this Congress.

I think we have further to go. I think we have more to do. And we do really in fact have to make these multiple use lands so they recognize all of the competing values for these forest lands. It is not just the value of timber, as important as that is.

So, I thank the gentlewoman from Oregon, one, for offering the amendment; two, for her decision here; but thirdly, for her service in Congress and especially on these issues where I have had a chance to work with her. For really being a voice of reason and a voice of change with respect to forest policy in this country, I thank the gentlewoman.

Ms. FURSE. Mr. Chairman, reclaiming my time, it is a great joy to have worked with the gentleman from California (Mr. MILLER). I think that we send today a message that the United States is a trustee. It is a trustee and has a legal duty, an enforceable legal duty to manage the public resources in the most responsible manner. And that means getting the best value for our resources.

So, Mr. Chairman, I hope next year, and I feel very confident that this issue will come again. I will not be in this Congress next year. I will be watching from the sidelines. But I think that next year we will move our forests to the way that it was supposed to be, for public use, not for private use.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I very much appreciate the decision of the gentlewoman from Oregon (Ms. FURSE) to withdraw this amendment. I think that the gentleman from California (Mr. MILLER), the gentleman from Washington, the gentlewoman from Oregon, we all share a common goal, and that is a sustainable forest policy.

Mr. Chairman, I held the first watershed restoration conference in the Pacific Northwest, the Vice President attended, to try and help work with the administration as they spent $1.2 billion over 5 years to try and not only implement Option 9, but to help the communities in this region that had been hurt by the decision to dramatically reduce.

I can remember, as can the gentleman from Oregon (Mr. SMITH), the chairman of the Committee on Agriculture, when we harvested around 4 billion board feet. That is now down to less than a billion board feet. That I think is about a 75 or 80 percent reduction. The National Timber Program has been reduced from 10 billion board feet down to 3.5 billion board feet. So I think there has been a recognition on the part of the Congress that what we were doing was not sustainable.

Now we have the job, the daunting challenge to deal with some of the problems, one of which the Assistant Secretary of Agriculture laid on us this year, that we need to do road maintenance repair work of about $10 billion.

So, we have got serious problems out there. And I compliment the gentlewoman from Oregon for her persistence and her judgment. We have not always agreed on every single issue, but we have agreed on many. And I think that my hope here is that we can work together, that we can end an era of confrontation and bring people together, work out reasonable solutions from the grassroots up and restore these ecosystems, restore these watersheds, restore these salmon runs. That should be our goal. And the gentlewoman's support for the fish has been probably the hallmark of her career, and that is something that we all agree upon.

Ms. FURSE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Chairman, I wonder if I might use this time to enter into a colloquy with the gentleman from Ohio (Mr. REGULA).

Mr. Chairman, as the gentleman knows, for a number of years the Members of this House, including the gentleman from Illinois (Mr. PORTER), of the Committee on Appropriations, and the gentleman from Massachusetts (Mr. KENNEDY), have advocated for the elimination of Federal funding for the Purchaser Road Credit program, a program which used Federal funds to subsidize timber companies for the roads they built. I would like to say that I respect the long-standing commitment of the gentleman from Illinois and the gentleman from Massachusetts to this issue.

It is my understanding that the bill before the House does not include any funding for this particular program. Is that the Chairman's understanding?

Mr. REGULA. Mr. Chairman, if the gentlewoman would yield, that is correct.

Ms. FURSE. Mr. Chairman, as part of the agreement on the Purchaser Road Credit that has been struck, I understand that several Members who would otherwise have supported this amendment are been forced to vote against my amendment. And so although 40 editorials across the country is a good beginning in educating the public and the House on the taxpayer losses associated with the commercial program, it is my understanding that the gentleman from Illinois (Mr. PORTER) and the gentleman from California (Mr. MILLER) may revisit this issue next year.

Mr. Chairman, I encourage the House to support fiscally and environmentally responsible forest management reform.

Mr. REGULA. Mr. Chairman, if the gentlewoman would continue to yield, I thank her for her comments and I would say that that is it what we attempted to do the bill.

Ms. FURSE. Mr. Chairman, is it the gentleman's intention that once the Interior Appropriations bill reaches the conference committee, that he will advocate to maintain the House's position with respect to eliminating the funding for the Purchaser Road Credit?

Mr. REGULA. Mr. Chairman, yes, that is correct. It is my intention to strongly advocate the House position on this and all other matters when this bill reaches the conference committee.

Ms. FURSE. Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from California (Mr. MILLER). As we see this movement towards responsible management, it is absolutely necessary that the forest be better managed for wildlife, for recreation, and for public good.

Mrs. EMERSON. Mr. Chairman, I rise in strong opposition to the amendment proposed by Representative FURSE to cut funding for the federal timber sales program. This amendment attempts to force the Forest Service into a "zero-cut" policy, which would be disastrous for many rural communities as well as the health of our national forests.

The federal timber sales program is a critical component of the Forest Service's active management of our national forests. Lacking reasonable harvesting of timber and scientific

management practices, our forests become vulnerable to a host of health threats. In fact, Missouri's State Forester and the President of the National Association of State Foresters, Marvin Brown, recently wrote in a letter to Agriculture Chairman BOB SMITH that, "Timber sales are being used to accomplish many goals, including reducing vulnerability to wildlife, eliminating pests, and improving fish and wildlife habitat." The essential point here is that timber sales are consistent with achieving our environmental goals for our forests.

It is also important to note that logging activities in our national forests are not at all excessive, as some members of the extremist environmental community would have us believe. The fact of the matter is that there will be 18 Billion Board Feet of NEW growth in our national forests this year, while the Forest Service proposes to harvest less than ¼ of that, approximately 4 Billion Board Feet.

Finally, I urge the House to consider the damaging economic consequences of this amendment. The timber industry in the state of Missouri accounts for approximately 20,000 jobs and $3 billion in economic activity. These are family-owned businesses, hard-working folks. Their work is an important part of our local economies in Southern Missouri and a key element in the wise management of our National Forests. If the Furse amendment were to pass, the lives and livelihoods of good people would be disregarded in favor of an extremist agenda. I urge a strong NO vote on this amendment.

Ms. DUNN. Mr. Chairman, I rise today in opposition to an amendment that will be offered during consideration of the Fiscal Year 1999 Interior Appropriations bill by the gentlewoman from Oregon, Ms. FURSE.

This amendment would decimate the U.S. Forest Service timber sale program by reducing the budget for forest management.

Over the last few years, we have endured contentious debate on the floor of the House regarding the Forest Service's Purchaser Road Credit Program.

Last year, a commitment was made by several Members of Congress on both sides of the debate to reach a compromise that would eliminate the program, while still providing funding for road maintenance.

After many months of discussion, a good faith agreement was reached that removed the Purchaser Road Credit program from this year's Forest Service budget with the understanding that no further amendments would be offered on this issue.

It is imperative that we allow this compromise to move forward unchanged.

Too often, Members with divergent points of view have difficulty coming together to find solutions to problems pitting rural America against those advocating stricter public land use policies. Today, we have an opportunity to defend a compromise that clears this hurdle.

I urge my colleagues to reject the Furse Amendment. The hard work that went into crafting this delicate compromise should not be wiped out by arbitrary cuts to important forest management activities.

Mr. STUPAK. Mr. Chairman, I rise in strong opposition to the Furse amendment. We have heard many arguments today on both sides of this issue about topics like the environment and the economics of the timber program.

While these are certainly important issues, I am afraid that lost in this debate is the impact this amendment would have on working families and rural communities.

In my district in northern Michigan, and in districts like mine across the Nation, our national forests are a vital part of our economy and livelihood.

Timber is one of the largest industries in northern Michigan, especially in the Upper Peninsula, and is an integral part of its economic base.

With three national forests in my district, thousands of working families literally rely on these forests and the timber program to put food on the table.

Many people think of the timber industry as giant businesses that slash and clear cut forests simply for profit.

The truth is, however, that the majority of people in the timber industry are family businesses—"mom and pop" operations that are struggling to make ends meet and that truly care about the forests and the environment.

The timber program has already been reduced by 70 percent since 1991. The Furse amendment would only serve to further hurt these family-run businesses.

In addition, the Furse amendment would severely impact rural communities across this nation.

By law, counties with national forest lands receive payments equaling 25 percent of federal timber revenues. These communities rely on these payments to provide funding for schools, roads, and emergency services.

In FY 1997, local governments received $220 million for these important programs. Because of this, the National Association of Counties strongly opposes this amendment.

Mr. Chairman, this amendment is bad for working families, bad for rural communities, and bad for schools. I urge my colleagues to oppose the Furse amendment.

Ms. FURSE. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the recently withdrawn amendment certainly should have been withdrawn, because the gentlewoman from Oregon (Ms. Furse), my friend, had this amendment exactly correct. There will be room with her amendment, should her amendment have passed, to harvest firewood and Christmas trees. That will be the end of any harvest practically on the public forests.

We know that there are more than 40 million acres, Mr. Chairman, that are in jeopardy of catastrophic fire in this country. We also have followed Chief Dombeck's suggestion that unless we manage forests, quote, manage forests, we indeed will lose our public forests.

The most effective tool we have, obviously, to fight catastrophic fire or to eliminate insect disease, is a timber sale program and managing forests. The amendment would have basically eliminated all U.S. timber sales and that, indeed, threatens the health of our forests.

I want to quote Chief Dombeck because he is right on point on this issue.

> We are hearing calls increasingly for a zero-cut policy for the National Forests. I am opposed to this position. Both science and common sense support active management of National Forests.

And he is right.

Now, this idea went so far that it should have been withdrawn, but it also indeed threatens the health of our forests. It is not only economically unreasonable; it jeopardizes jobs throughout the United States nationwide. It places economic and social stability problems within communities, and it interferes with public education floor funds. It is an extreme, extreme position. It is a Sierra Club position. That is what it is.

I point to the charts to indicate to my colleagues what has occurred here since 1982, but specifically since 1997 and 1998. As my colleagues can see, the timber program has dramatically decreased, and with the Furse amendment in 1999, we can see the yellow would be almost in half. And then in the year 2000, almost no harvest in our public forests.

So, what has happened? What has happened is obvious to everyone. What has happened in this country is our imports have dramatically increased. Obviously, we need the wood. The demand for wood is there. So here go the imports up to almost 12 billion board feet and timber sold, as reported in 1996, almost 3.5 billion in the United States. Almost 12 billion imported, 3.5 billion from our forests. Beyond that it has placed greater pressure, of course, upon private timber lands and our State lands.

Yes, every forest lost money. Well, if we eliminate 85 percent of the harvest, they are going to lose money. What else lost money? The wildlife and fisheries program lost money. The forest fire suppression program lost money. The wilderness program lost money. Every Forest Service program lost money. They are below cost. Maybe we ought to eliminate the whole thing. That is the theory. Should we eliminate the management of forests in America because we have reduced, of course, the impact of harvest? Therefore, they are all below cost. Obviously, that is the wrong way to go, of course.

This amendment is about eliminating the timber sale completely. Zero-cut is not protecting our national forests, it is wasting them.

The national forests are growing over 16 billion board feet every year, plus another 6 billion of timber that dies from insects and disease every year. Yet in 1997 we harvested only 3.3 billion board feet and again we may lose many millions of acres to fire. Certainly we

would if an amendment like this were ever adopted.

The zero-cut policy, as I have indicated, would shift production to other countries, cost Americans jobs, hurt communities, injure the forests, and is certainly no benefit to anyone, even those who believe that the wildlife and the environment are the most cherished parts of our national heritage. This amendment would destroy even those cherished items.

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It is a good idea for her to withdraw this amendment, and it is a bad idea for it to be brought up ever again.

Mr. HERGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it has come to my understanding that after debating this issue the gentlewoman from Oregon (Ms. FURSE) is going to pull her amendment without allowing it to go for a vote. I understand why the gentlewoman is not going to let this come to a vote. She clearly does not have the votes in the House to support this extreme radical measure.

For years we have argued and debated over possible corporate welfare within the Forest Service road credit purchaser program. As of this year, this program no longer exists. Now we learn the argument was really not over the road credit purchaser program but was really over the extremist agenda of advocating zero cut on our national forests, a euphemism for which is below-cost timber sales.

This policy strips the Forest Service of its single most effective tool for maintaining forest health and reducing the risk of catastrophic fire. The Forest Service estimates that more than 40 million acres of our national forests are threatened with destruction by catastrophic wildfire. With a full range of management options, the Forest Service can reduce this threat of catastrophic fire.

I would like to ask my colleagues which of these two forests that we have pictures of would they want for their children? On the left we see a forest that is not managed.

Now, I might mention that I represent a district in northern California that has 11 national forests in it. I have examples of both of these forests within my district. Again, the picture on the left is an unmanaged forest. We know a lot about all the rain we have been receiving, at least in California, this year. What we do not remember, sometimes we forget that of the last 12 years, 7 of those 12 years have been drought years.

California, unlike so much of the rest of the Nation, is a desert during the summertime, and when there is this competition for moisture, what we see is this unnatural type of state that we see on the left. Without the ability to be able to go in and thin these forests out and remove the dead and dying timber, what we will see, rather than the forest on the right, which is a managed forest, where we remove dead and dying timbers, what we see is a situation like this.

In 1994, in the United States, we had 5 million acres of timber that burned; that were catastrophic; where there is nothing left. In 1996 we had 6 million acres burned. So it is really up to us. Are we going to manage our forests in a prudent way or are we going to allow them to burn, as we see in this picture to my left?

I am very pleased, again, that the gentlewoman from Oregon has removed this very ill thought out amendment of hers, but I believe it is time that we begin to bring balance to the management of our forests and not allow the extreme environmentalists to run it by politics.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what the gentlewoman from Oregon (Ms. FURSE) was trying to do in bringing her amendment before the House was to give us the opportunity to talk about the future direction of the Forest Service. Specifically, we need to determine what its priorities are; that is to say, what the Forest Service priorities should be in managing the national forests and how the Forest Service should spend the money allocated to it.

Historically, the Forest Service has brought a great emphasis on timber production. The gentlewoman from Oregon was not saying in her amendment that timber production should be shut down entirely, as some have inferred, that is not the case, but that it should be put in context among the other purposes of the Forest Service. Commercial timber harvests should pay their own way and should not receive direct or indirect subsidies from the taxpayer.

Here are a few principles that we support: The national forests are owned by all the American people and should serve the diverse interests the American people have in the forests. Those diverse interests include watershed protection, recreational use, wildlife habitat, as well as timber production.

Watershed protection probably serves the greatest number of people today. According to the Forest Service, the greatest number of direct forest users are recreational users, and recreational users produce the greatest amount of forest revenues. These facts should be taken into account in planning the Forest Service budget.

According to the Forest Service's own recent report, it lost $88.6 million on below-cost timber sales last year alone, where the costs of arranging these sales exceeded by that amount the revenue derived from those sales. We should face facts: Below-cost sales are subsidized. We have been giving away our jointly-owned resources.

There are cases where a below-cost sale may clearly support a public good, such as improving a watershed. But more often it is simply a giveaway of public resources to a private interest; what has been called corporate welfare. We have heard a lot of rhetoric about how people should stand on their own and not get help from the government. We have heard a lot of talk about how efficient private industry is in creating jobs. We have heard lots of rhetoric about the futility of propping up uneconomical activities and how we should let the market rule. Well, it is time to apply all of that rhetoric to resource extraction. It is time to say that if a timber operation is not economical and cannot survive without free or cheap public timber, maybe it needs to change.

We are pleased to see the plan to end purchaser road credits. We hope it holds and we hope that all the people who pledge to support it will pledge to keep it in the conference version of this bill, but we do need to go beyond that. We have to modernize the Forest Service and modernize its budget to take into account what we have learned about forests, to take into account and give a much more prominent role to the other purposes of forests that more and more Americans care about, and to stop giving trees away just to keep the machine running or just because that is the way we have always done it.

Mr. KASICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a minute to just direct the attention of the House to the fact that we have been able to work out a very thorny issue here in the House; namely, this whole business of the road credits.

As my colleagues know, there was a debate on this floor, I think, for a period of about 3 years, with people really lined up against themselves and 180 degrees apart. The gentleman from California (Mr. HERGER) deserves an awful lot of credit for the effort to try to bring people together. He met with the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from New York (Mr. BOEHLERT), people who were in direct opposition to him and, through a long process of negotiation and talk, we have essentially been able to reach an agreement that will give us a more market-oriented approach to the way in which we, in fact, do these timber roads.

Now, not everybody is thoroughly happy with the solution, but I have to tell my colleagues that this is one of those times when we fought for 2 or 3 years and I happen to believe that the gentleman from California (Mr. HERGER) is the guy that deserves the most amount of credit because he said we ought not to keep fighting on this. The other side has some legitimate points, we have some legitimate points, and let us try to work it out.

For those environmentalists who have been worried about the road building, if, in fact, it is true that there are subsidies, there will be fewer roads built. They will only be built where it makes economic sense. At the same time, for those who are concerned that we not shut down all appropriate road building, it also will make economic sense to those whenever they move forward, and to those who are worried about saving some money and not providing subsidies to anybody, we have been able to deal with that.

So I think this is a win, win, win. For one of the few times in this House on a very tough environmental issue, I think we have had successful regulation. I want to praise the gentlewoman from Oregon (Ms. FURSE) for agreeing not to pursue her amendment. That would not be the wise thing to do. My understanding is she has withdrawn her amendment, will not have a vote on it, which is entirely appropriate, and maybe this is the model that we can use to resolve a number of environmental issues where people of good heart all feel the same way.

I would like to say one other thing about the gentleman from California. He feels very strongly about the fact that sometimes those on the other side do not understand that there is actually some destruction done in the name of environmental protection when, in fact, he has a view that there are things that we can do to make the environment more secure. He has been able to lead the way and stand in the breach, at times under very emotional issues on the environment, and to be a real leader. So I want to compliment him.

I am very happy that I was in the middle of this for the period of the last 3 years, and I think this is a very good success, and I want to thank the chairman of the subcommittee, the great Member, the gentleman from Ohio (Mr. REGULA), for his outstanding work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

I wish to thank the chairman for his kindness, and also I do believe, although we disagree, that the first amendment had merit. Obviously, I would have supported it, but I hope we can recognize that even though the amendment was not put to the floor for a vote, that there are issues that we should all discuss about saving our forests and our trees and hope that we will continue this discussion.

Mr. Chairman, my only concern, and I would like to yield to the gentleman as we rise, we are still continuing in title II for tomorrow as we resume; is that my understanding?

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentlewoman's understanding is correct.

I would also add that I think we have an agreement among many people that the forests have a multipurpose potential for the public. It is a matter of how we achieve that in the best possible way.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the chairman's kindness and I think we can continue to go forward and work these issues out.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT OF 1998—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States.

To the House of Representatives:

I am returning herewith without my approval H.R. 2646, the "Education Savings and School Excellence Act of 1998."

As I have said before, we must prepare our children for the 21st century by providing them with the best education in the world. To help meet this goal, I have sent the Congress a comprehensive agenda for strengthening our public schools, which enroll almost 90 percent of our students. My plan calls for raising standards, strengthening accountability, and promoting charter schools and other forms of public school choice. It calls for reducing class size in the early grades, so our students get a solid foundation in the basic skills, modernizing our schools for the 21st century, and linking them with the Internet. And we must strengthen teaching and provide students who need additional help with tutoring, mentoring, and after-school programs. We must take these steps now.

By sending me this bill, the Congress has instead chosen to weaken public education and shortchange our children. The modifications to the Education IRAs that the bill would authorize are bad education policy and bad tax policy. The bill would divert limited Federal resources away from public schools by spending more than $3 billion on tax benefits that would do virtually nothing for average families and would disproportionately benefit the most affluent families. More than 70 percent of the benefits would flow to families in the top 20 percent of income distribution, and families struggling to make ends meet would never see a penny of the benefits. Moreover, the bill would not create a meaningful incentive for families to increase their savings for educational purposes; it would instead reward families, particularly those with substantial incomes, for what they already do.

The way to improve education for all our children is to increase standards, accountability, and choice within the public schools. Just as we have an obligation to repair our Nation's roads and bridges and invest in the infrastructure of our transportation system, we also have an obligation to invest in the infrastructure needs of our public schools. I urge the Congress to meet that obligation and to send me instead the legislation I have proposed to reduce class size; improve the quality of teaching; modernize our schools; end social promotions; raise academic standards; and hold school districts, schools, and staff accountable for results.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 21, 1998.*

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The SPEAKER pro tempore (Mr. HASTINGS of Washington). The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

Mr. HERGER. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, H.R. 2646, be referred to the Committee on Ways and Means.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules if a recorded vote or the yeas and nays are ordered or if the vote is objected to under clause 4 of rule XV.

Such a rollcall vote, if postponed, will be taken tomorrow.

SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1689) to amend the Securities Act

of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1689

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities Litigation Uniform Standards Act of 1998".

TITLE I—SECURITIES LITIGATION UNIFORM STANDARDS

SEC. 101. LIMITATION ON REMEDIES.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) AMENDMENT.—Section 16 of the Securities Act of 1933 (15 U.S.C. 77p) is amended to read as follows:

"SEC. 16. ADDITIONAL REMEDIES; LIMITATION ON REMEDIES.

"(a) REMEDIES ADDITIONAL.—Except as provided in subsection (b), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

"(b) CLASS ACTION LIMITATIONS.—No covered class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(1) an untrue statement or omission of a material fact in connection with the purchase or sale of a covered security; or

"(2) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(c) REMOVAL OF COVERED CLASS ACTIONS.—Any covered class action brought in any State court involving a covered security, as set forth in subsection (b), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to subsection (b).

"(d) PRESERVATION OF CERTAIN ACTIONS.—

"(1) ACTIONS UNDER STATE LAW OF STATE OF INCORPORATION.—

"(A) ACTIONS PRESERVED.—Notwithstanding subsection (b) or (c), a covered class action described in subparagraph (B) of this paragraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

"(B) PERMISSIBLE ACTIONS.—A covered class action is described in this subparagraph if it involves—

"(i) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

"(ii) any recommendation, position, or other communication with respect to the sale of securities of the issuer that—

"(I) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(II) concerns decisions of those equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(2) STATE ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, nothing in this section may be construed to preclude a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans that are named plaintiffs, and that have authorized participation, in such action.

"(B) STATE PENSION PLAN DEFINED.—For purposes of this paragraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of the State or political subdivision thereof, or by any agency or instrumentality thereof.

"(3) ACTIONS UNDER CONTRACTUAL AGREEMENTS BETWEEN ISSUERS AND INDENTURE TRUSTEES.—Notwithstanding subsection (b) or (c), a covered class action that seeks to enforce a contractual agreement between an issuer and an indenture trustee may be maintained in a State or Federal court by a party to the agreement or a successor to such party.

"(4) REMAND OF REMOVED ACTIONS.—In an action that has been removed from a State court pursuant to subsection (c), if the Federal court determines that the action may be maintained in State court pursuant to this subsection, the Federal court shall remand such action to such State court.

"(e) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

"(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through 1 or more intermediaries, controls or is controlled by or is under common control with, the issuer.

"(2) COVERED CLASS ACTION.—

"(A) IN GENERAL.—The term 'covered class action' means—

"(i) any single lawsuit in which—

"(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

"(II) 1 or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

"(ii) any group of lawsuits filed in or pending in the same court and involving common questions of law or fact, in which—

"(I) damages are sought on behalf of more than 50 persons; and

"(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

"(B) EXCEPTION FOR DERIVATIVE ACTIONS.—Notwithstanding subparagraph (A), the term 'covered class action' does not include an exclusively derivative action brought by 1 or more shareholders on behalf of a corporation.

"(C) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as 1 person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the discretion of a State court in determining whether actions filed in such court should be joined, consolidated, or otherwise allowed to proceed as a single action.

"(3) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in section 18(b)(1) at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred, except that such term shall not include any debt security that is exempt from registration under this title pursuant to rules issued by the Commission under section 4(2) of this title.".

(2) CIRCUMVENTION OF STAY OF DISCOVERY.—Section 27(b) of the Securities Act of 1933 (15 U.S.C. 77z-1(b)) is amended by inserting after paragraph (3) the following new paragraph:

"(4) CIRCUMVENTION OF STAY OF DISCOVERY.—Upon a proper showing, a court may stay discovery proceedings in any private action in a State court as necessary in aid of its jurisdiction, or to protect or effectuate its judgments, in an action subject to a stay of discovery pursuant to this subsection.".

(3) CONFORMING AMENDMENTS.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended—

(A) by inserting "except as provided in section 16 with respect to covered class actions," after "Territorial courts,"; and

(B) by striking "No case" and inserting "Except as provided in section 16(c), no case".

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) AMENDMENT.—Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended—

(A) in subsection (a), by striking "The rights and remedies" and inserting "Except as provided in subsection (f), the rights and remedies"; and

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

"(f) LIMITATIONS ON REMEDIES.—

"(1) CLASS ACTION LIMITATIONS.—No covered class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(A) a misrepresentation or omission of a material fact in connection with the purchase or sale of a covered security; or

"(B) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(2) REMOVAL OF COVERED CLASS ACTIONS.—Any covered class action brought in any State court involving a covered security, as set forth in paragraph (1), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to paragraph (1).

"(3) PRESERVATION OF CERTAIN ACTIONS.—

"(A) ACTIONS UNDER STATE LAW OF STATE OF INCORPORATION.—

"(i) ACTIONS PRESERVED.—Notwithstanding paragraph (1) or (2), a covered class action described in clause (ii) of this subparagraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

"(ii) PERMISSIBLE ACTIONS.—A covered class action is described in this clause if it involves—

"(I) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

"(II) any recommendation, position, or other communication with respect to the sale of securities of an issuer that—

"(aa) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(bb) concerns decisions of such equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(B) STATE ACTIONS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, nothing in this subsection may be construed to preclude a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans that are named plaintiffs, and that have authorized participation, in such action.

"(ii) STATE PENSION PLAN DEFINED.—For purposes of this subparagraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of a State or political subdivision thereof, or by any agency or instrumentality thereof.

"(C) ACTIONS UNDER CONTRACTUAL AGREEMENTS BETWEEN ISSUERS AND INDENTURE TRUSTEES.—Notwithstanding paragraph (1) or (2), a covered class action that seeks to enforce a contractual agreement between an issuer and an indenture trustee may be maintained in a State or Federal court by a party to the agreement or a successor to such party.

"(D) REMAND OF REMOVED ACTIONS.—In an action that has been removed from a State court pursuant to paragraph (2), if the Federal court determines that the action may be maintained in State court pursuant to this subsection, the Federal court shall remand such action to such State court.

"(4) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

"(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through 1 or more intermediaries, controls or is controlled by or is under common control with, the issuer.

"(B) COVERED CLASS ACTION.—The term 'covered class action' means—

"(i) any single lawsuit in which—

"(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

"(II) 1 or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

"(ii) any group of lawsuits filed in or pending in the same court and involving common questions of law or fact, in which—

"(I) damages are sought on behalf of more than 50 persons; and

"(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

"(C) EXCEPTION FOR DERIVATIVE ACTIONS.—Notwithstanding subparagraph (B), the term 'covered class action' does not include an exclusively derivative action brought by 1 or more shareholders on behalf of a corporation.

"(D) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as 1 person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

"(E) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in section 18(b)(1) of the Securities Act of 1933, at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred, except that such term shall not include any debt security that is exempt from registration under the Securities Act of 1933 pursuant to rules issued by the Commission under section 4(2) of such Act.

"(F) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the discretion of a State court in determining whether actions filed in such court should be joined, consolidated, or otherwise allowed to proceed as a single action.".

(2) CIRCUMVENTION OF STAY OF DISCOVERY.—Section 21D(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-4(b)(3)) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) CIRCUMVENTION OF STAY OF DISCOVERY.—Upon a proper showing, a court may stay discovery proceedings in any private action in a State court as necessary in aid of its jurisdiction, or to protect or effectuate its judgments, in an action subject to a stay of discovery pursuant to this paragraph.".

(c) APPLICABILITY.—The amendments made by this section shall not affect or apply to any action commenced before and pending on the date of enactment of this Act.

SEC. 102. PROMOTION OF RECIPROCAL SUBPOENA ENFORCEMENT.

(a) COMMISSION ACTION.—The Securities and Exchange Commission, in consultation with State securities commissions, shall seek to encourage the adoption of State laws providing for reciprocal enforcement by State securities commissions of subpoenas issued by another State securities commission seeking to compel persons to attend, testify in, or produce documents or records in connection with an action or investigation by a State securities commission of an alleged violation of State securities laws.

(b) REPORT.—Within 24 months after the date of enactment of this Act, the Commission shall submit a report to the Congress—

(1) identifying the States that have adopted laws described in subsection (a);

(2) describing the actions undertaken by the Commission and State securities commissions to promote the adoption of such laws; and

(3) identifying any further actions the Commission recommends for such purposes.

SEC. 103. REPORT ON CONSEQUENCES.

The Securities and Exchange Commission shall include in each of its first 3 annual reports submitted after the date of enactment of this Act a report regarding—

(1) the nature and the extent of the class action cases that are preempted by, or removed pursuant to, the amendments made by section 101 of this title;

(2) the extent to which that preemption or removal either promotes or adversely affects the protection of securities investors or the public interest; and

(3) if adverse effects are found, alternatives to, or revisions of, such preemption or removal that—

(A) would not have such adverse effects;

(B) would further promote the protection of investors and the public interest; and

(C) would still substantially reduce the risk of abusive securities litigation.

TITLE II—REAUTHORIZATION OF THE SECURITIES AND EXCHANGE COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

"SEC. 35. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out the functions, powers, and duties of the Commission $351,280,000 for fiscal year 1999.

"(b) MISCELLANEOUS EXPENSES.—Funds appropriated pursuant to this section are authorized to be expended—

"(1) not to exceed $3,000 per fiscal year, for official reception and representation expenses;

"(2) not to exceed $10,000 per fiscal year, for funding a permanent secretariat for the International Organization of Securities Commissions; and

"(3) not to exceed $100,000 per fiscal year, for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives, and staff to exchange views concerning developments relating to securities matters, for development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings, including—

"(A) such incidental expenses as meals taken in the course of such attendance;

"(B) any travel or transportation to or from such meetings; and

"(C) any other related lodging or subsistence.".

SEC. 202. REQUIREMENTS FOR THE EDGAR SYSTEM.

Section 35A of the Securities Exchange Act of 1934 (15 U.S.C. 78ll) is amended—

(1) by striking subsections (a), (b), (c), and (e); and

(2) in subsection (d)—

(A) by striking the subsection designation;

(B) by striking "; and" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3).

TITLE III—CLERICAL AND TECHNICAL AMENDMENTS

SEC. 301. CLERICAL AND TECHNICAL AMENDMENTS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77 et seq.) is amended as follows:

(1) Section 2(a)(15)(i) (15 U.S.C. 77b(a)(15)(i)) is amended by striking "section 2(13) of the

Act" and inserting "paragraph (13) of this subsection".

(2) Section 11(f)(2)(A) (15 U.S.C. 77k(f)(2)(A)) is amended by striking "section 38" and inserting "section 21D(f)".

(3) Section 13 (15 U.S.C. 77m) is amended—

(A) by striking "section 12(2)" each place it appears and inserting "section 12(a)(2)"; and

(B) by striking "section 12(1)" each place it appears and inserting "section 12(a)(1)".

(4) Section 18 (15 U.S.C. 77r) is amended—

(A) in subsection (b)(1)(A), by inserting ", or authorized for listing," after "Exchange, or listed";

(B) in subsection (c)(2)(B)(i), by striking "Capital Markets Efficiency Act of 1996" and inserting "National Securities Markets Improvement Act of 1996";

(C) in subsection (c)(2)(C)(i), by striking "Market" and inserting "Markets";

(D) in subsection (d)(1)(A)—

(i) by striking "section 2(10)" and inserting "section 2(a)(10)"; and

(ii) by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (a) and (b)";

(E) in subsection (d)(2), by striking "Securities Amendments Act of 1996" and inserting "National Securities Markets Improvement Act of 1996"; and

(F) in subsection (d)(4), by striking "For purposes of this paragraph, the" and inserting "The".

(5) Sections 27, 27A, and 28 (15 U.S.C. 77z–1, 77z–2, 77z–3) are transferred to appear after section 26.

(6) Paragraph (28) of schedule A of such Act (15 U.S.C. 77aa(28)) is amended by striking "identic" and inserting "identical".

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended as follows:

(1) Section 3(a)(10) (15 U.S.C. 78c(a)(10)) is amended by striking "deposit, for" and inserting "deposit for".

(2) Section 3(a)(12)(A) (15 U.S.C. 78c(a)(12)(A)) is amended by moving clause (vi) two em spaces to the left.

(3) Section 3(a)(22)(A) (15 U.S.C. 78c(a)(22)(A)) is amended—

(A) by striking "section 3(h)" and inserting "section 3"; and

(B) by striking "section 3(t)" and inserting "such section 3".

(4) Section 3(a)(39)(B)(i) (15 U.S.C. 78c(a)(39)(B)(i)) is amended by striking "an order to the Commission" and inserting "an order of the Commission".

(5) The following sections are each amended by striking "Federal Reserve Board" and inserting "Board of Governors of the Federal Reserve System": subsections (a) and (b) of section 7 (15 U.S.C. 78g(a), (b)); section 17(g) (15 U.S.C. 78q(g)); and section 26 (15 U.S.C. 78z).

(6) The heading of subsection (d) of section 7 (15 U.S.C. 78g(d)) is amended by striking "EXCEPTION" and inserting "EXCEPTIONS".

(7) Section 14(g)(4) (15 U.S.C. 78n(g)(4)) is amended by striking "consolidation sale," and inserting "consolidation, sale,".

(8) Section 15 (15 U.S.C. 78o) is amended—

(A) in subsection (c), by moving paragraph (8) two em spaces to the left;

(B) in subsection (h)(2), by striking "affecting" and inserting "effecting";

(C) in subsection (h)(3)(A)(i)(II)(bb), by inserting "or" after the semicolon;

(D) in subsection (h)(3)(A)(ii)(I), by striking "maintains" and inserting "maintained";

(E) in subsection (h)(3)(B)(ii), by striking "association" and inserting "associated".

(9) Section 15B(c)(4) (15 U.S.C. 78o–4(c)(4)) is amended by striking "convicted by any offense" and inserting "convicted of any offense".

(10) Section 15C(f)(5) (15 U.S.C. 78o–5(f)(5)) is amended by striking "any person or class or persons" and inserting "any person or class of persons".

(11) Section 19(c) (15 U.S.C. 78s(c)) is amended by moving paragraph (5) two em spaces to the right.

(12) Section 20 (15 U.S.C. 78t) is amended by redesignating subsection (f) as subsection (e).

(13) Section 21D (15 U.S.C. 78u–4) is amended—

(A) by redesignating subsection (g) as subsection (f); and

(B) in paragraph (2)(B)(i) of such subsection, by striking "paragraph (1)" and inserting "subparagraph (A)".

(14) Section 31(a) (15 U.S.C. 78ee(a)) is amended by striking "this subsection" and inserting "this section".

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended as follows:

(1) Section 2(a)(8) (15 U.S.C. 80a–2(a)(8)) is amended by striking "Unitde" and inserting "United".

(2) Section 3(b) (15 U.S.C. 80a–3(b)) is amended by striking "paragraph (3) of subsection (a)" and inserting "paragraph (1)(C) of subsection (a)".

(3) Section 12(d)(1)(G)(i)(III)(bb) (15 U.S.C. 80a–12(d)(1)(G)(i)(III)(bb)), by striking "the acquired fund" and inserting "the acquired company".

(4) Section 18(e)(2) (15 U.S.C. 80a–18(e)(2)) is amended by striking "subsection (e)(2)" and inserting "paragraph (1) of this subsection".

(5) Section 30 (15 U.S.C. 80a–29) is amended—

(A) by inserting "and" after the semicolon at the end of subsection (b)(1);

(B) in subsection (e), by striking "semi-annually" and inserting "semiannually"; and

(C) by redesignating subsections (g) and (h) as added by section 508(g) of the National Securities Markets Improvement Act of 1996 as subsections (i) and (j), respectively.

(6) Section 31(f) (15 U.S.C. 80a–30(f)) is amended by striking "subsection (c)" and inserting "subsection (e)".

(d) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b et seq.) is amended as follows:

(1) Section 203(e)(8)(B) (15 U.S.C. 80b–3(e)(8)(B)) is amended by inserting "or" after the semicolon.

(2) Section 222(b)(2) of (15 U.S.C. 80b–18a(b)(2)) is amended by striking "principle" and inserting "principal".

(e) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended as follows:

(1) Section 303 (15 U.S.C. 77ccc) is amended by striking "section 2" each place it appears in paragraphs (2) and (3) and inserting "section 2(a)".

(2) Section 304(a)(4)(A) (15 U.S.C. 77ddd(a)(4)(A)) is amended by striking "(14) of subsection" and inserting "(13) of section".

(3) Section 313(a) (15 U.S.C. 77mmm(a)) is amended—

(A) by inserting "any change to" after the paragraph designation at the beginning of paragraph (4); and

(B) by striking "any change to" in paragraph (6).

(4) Section 319(b) (15 U.S.C. 77sss(b)) is amended by striking "the Federal Register Act" and inserting "chapter 15 of title 44, United States Code,".

SEC. 302. EXEMPTION OF SECURITIES ISSUED IN CONNECTION WITH CERTAIN STATE HEARINGS.

Section 18(b)(4)(C) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)(C)) is amended by striking "paragraph (4) or (11)" and inserting "paragraph (4), (10), or (11)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. STUPAK) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. BLILEY. 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. 1689 and to insert extraneous material on the bill.

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

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of H.R. 1689, the Securities Litigation Uniform Standards Act of 1998. This legislation has been carefully constructed and refined throughout the legislative process on a bipartisan basis. We now have a bill that is ready to be considered by this Congress that will protect our Nation's investors and shareholders from needless expenses companies incur from meritless lawsuits.

Congress thought we would stop the flow of frivolous securities lawsuits with the enactment of the Private Securities Litigation Reform Act of 1995. The number of cases in Federal court has declined, but the explosion of cases being brought in state courts since the Reform Act demonstrates that the problem has not been eliminated, it has just changed venue.

It is unfortunate that additional legislation is needed to plug a loophole that undermines the intentions of Congress. Nevertheless, it is our job to ensure that the laws we pass work in the manner we intended. Based on the number of cosponsors of this legislation, I think it is safe to say that the law is not working the way it was intended.

The Uniform Standards Act will permit meritorious claims to continue to be filed while preventing the migration of baseless class actions to state courts. The standard provided in this legislation builds on the simple nature of our capital markets. If the alleged violation is national and it is filed on behalf of a class, then the case should be brought in Federal court. If the case is of a local nature, then it is more appropriately handled at the state level.

This legislation will put a stop to the inappropriate use of state courts to circumvent the protections that Congress

deemed appropriate in 1995. H.R. 1689 will not prevent individual claims from being filed in state courts but will simply set a standard to determine when the Reform Act of 1995 is applied.

The legislation also includes a title to reauthorize the Securities and Exchange Commission for Fiscal 1999. This language is substantially similar to H.R. 1262, the SEC Reauthorization Act of 1997, which passed the House unanimously last session.

At the suggestion of the gentleman from New York (Mr. LAZIO), technical changes were included to this title to eliminate provisions in the Securities Exchange Act that have been identified as an impediment to the possibility of future privatization of the EDGAR system. I commend the gentleman for his efforts and suggestions in the pursuit of good government and a more efficient, more cost-effective EDGAR system.

I would also like to commend the original author of the legislation the gentleman from Washington (Mr. WHITE). His tireless work and pursuit of good public policy has improved this legislation from day one. I also would like to commend the gentlewoman from California (Ms. ESHOO) for all of her efforts as a leading proponent of this legislation.

Many of the changes that have improved this legislation so significantly are a result of the work and compromise of the gentleman from Ohio (Mr. OXLEY) the chairman of the Subcommittee on Financial and Hazardous Materials. I commend him for his leadership and skill in developing these important refinements.

Some of the changes included were at the suggestion of the ranking member the gentleman from Michigan (Mr. DINGELL) of the Committee on Commerce. Notwithstanding his opposition to the legislation, his continued pursuant of good public policy has improved the bill.

I would also commend the gentleman from New York (Mr. MANTON) the ranking member of the Subcommittee on Finance and Hazardous Material, whom I am very distressed to see has announced his retirement from this body, for his cooperation and support. At his suggestion, the Committee on Commerce included a provision to provide the SEC with nationwide enforceability of subpoenas served in our districts. Unfortunately, the concerns by the Committee on the Judiciary about this provision have not been worked out and it is not included in H.R. 1689. I would tell the gentleman from New York that I will work with him to see that the provision makes it into the final legislation.

Mr. Speaker, I urge my colleagues to join me in support of H.R. 1689.

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

Mr. Speaker, I yield myself such time as I may cosume.

Mr. Speaker, I rise in opposition to the bill before us tonight.

Mr. Speaker, 2 years ago, Congress passed the Private Securities Litigation Reform Act, that changed all the rules for the investors like people who invest in today's stock market. Now proponents of this legislation want to extend an untested federal system upon all the states.

If we pass this bill, Congress will place all investors into a largely untested, untried new federal system that will make it very difficult for investors to prove fraud. Many of the proponents of this bill claim that it corrects an oversight from the Private Securities Litigation Act of the last Congress. This claim is disingenuous and false. These same Members claim that during the debate over the Private Securities Litigation Reform Act that investors would continue and would always have available to them the protection afforded by the state courts.

The prime sponsor of the previous legislation explicitly stated that state courts would continue to be an avenue for defrauded investors to recoup their losses. Now these Members are seeking to preempt these state laws.

If this legislation passes, it will overrule, do away, with the aiding and abetting statutes in 49 states. It will do away with 33 statute of limitations provisions that we are now telling states that forget about their own statute of limitations to protect their investors, they will now have to protect their citizens with an untried, untested federal system. The Federal Government will now tell them what protections states can afford their citizens.

It is important to remember throughout this debate tonight that the blue sky laws predated the existence of federal securities law. When Congress wrote the Securities Act of 1933 and the Securities Exchange Act of 1934, they did not impose liability on aiders and abettors or insert an adequate statute of limitation. They declined to take these steps because Congress felt that it was necessary to allow states to decide these issues at the state level. But yet, tonight, if we vote for this bill, we will take away from these investors protections they have enjoyed for over 60 years under state law.

Chairman Arthur Levitt of the Securities Exchange Commission, consumer groups, municipal officers all supported maintaining these two simple provisions, extending the statute of limitations and maintaining the states' aiding and abetting statutes, but they were denied that request by the supporters of this bill.

As we look at the market today, we see record numbers of small investors are entrusting their life savings to the stock market. There are a number of proposals to allow the Social Security Trust Fund to be invested in the stock market. Now more than ever, these small investors need to be protected from fraudulent securities transactions. 28 million Americans over the age of 65 depend on investment income to meet part of their expenses.

The proponents of this bill claim its passage will actually benefit these investors. I am flabbergasted by this statement because consumer groups, institutional investors, state pension boards, retirement plan administrators, county officials and many other groups oppose this legislation.

This federal preemption is not necessary. Proponents argue that this bill is necessary because there has been an increase in the number of suits in state courts since the passage of the Private Securities Litigation Reform Act 2 years ago. Yet in 1997 there was a decrease in private securities as compared to levels before the passage of the Private Securities Litigation Reform Act in 1995.

Nationwide, private security litigation state filings account for less than 100th of 1 percent of state filings nationwide. I believe that it is irresponsible and unnecessary to supersede the law of all 50 states. The joint system of state and federal causes of action have existed for over 60 years. At a time when a market has joined its bullish run, I do not believe that we need now to preempt the 50 state laws with an untried, untested federal system.

Mr. Speaker, I believe this bill will make it easier for charlatans and ripoff artists to defraud investors, especially senior citizens. I truly hope that I am wrong. But before we pass this bill, I ask all Members to contemplate whether or not they want to make it easier for their constituents to become victims of fraud. I urge them to vote against this bill and protect our investors.

Mr. Speaker, I include for the RECORD letters from the Consumer Federation of America and the Government Finance Officers Association in opposition to this bill.

CONSUMER FEDERATION OF AMERICA,
July 20, 1998.

Hon. BART STUPAK,
House of Representatives,
Washington, DC.

OPPOSE H.R. 1689, SECURITIES LITIGATION REFORM BILL

DEAR REPRESENTATIVE STUPAK: It is our understanding that the full House of Representatives will vote as early as today or tomorrow on H.R. 1689, the "Securities Litigation Uniform Standards Act." I am writing on behalf of the Consumer Federation of America (CFA) to express our strong opposition to this legislation and to urge you to oppose it.

CFA shares the view expressed by state and federal securities regulators that the current federal law, as articulated in the Private Securities Litigation Reform Act (PSLRA), tilts the balance too far in favor of securities fraud defendants and threatens the ability of defrauded investors to recover their losses. For this reason, we strongly oppose extending that standard to lawsuits

currently being brought in state court. Even those who are more optimistic about the effects of the federal law, however, must acknowledge that this preemption legislation would deprive investors of important protections, such as aiding and abetting liability and longer statutes of limitation, that are available only under state law.

Because it is fundamentally unjustified, would further undermine defrauded investors' access to justice, and could leave defrauded investors with no effective means of recovering their losses, CFA strongly opposes H.R. 1689 and urges you to vote against it.

Sincerely,

BARBARA L.N. ROPER,
Director of Investor Protection,
Consumer Federation of America.

JULY 20, 1998.

Re H.R. 1689, Securities Litigation Uniform Standards Act of 1998.

MEMBER OF CONGRESS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The state and local government organizations listed above write in opposition to H.R. 1689, the Securities Litigation Uniform Standards Act of 1998, as reported by the House Committee on Commerce, which is scheduled to be considered by the full House early this week. Our most significant concerns are the following:

Despite the preservation of the right of state and local governments and their pension plans to pursue class actions in state courts which is included in H.R. 1689, the limitation on this right that those in the class must be named plaintiffs and authorize such participation will severely limit the ability of the most vulnerable public entities to recover their losses. State and local governments support the underlying provision to preserve the fundamental right of a state or local government or public pension plan to bring a class action in state court. However, we believe that the limitation placed on that right in H.R. 1689 will effectively exclude the most vulnerable public entities, such as small pension plans. These fraud victims are the least likely to be aware of a pending class action and may be unable to initiate a suit on their own. These parties potentially have the most to lose in case of fraud, yet this provision virtually eliminates their ability to recover their losses.

H.R. 1689 fails to reinstate liability for secondary wrongdoers who aid and abet securities fraud. Despite two opportunities to do so since the Supreme Court struck down for private actions aiding and abetting liability for wrongdoers who assist in perpetrating securities fraud, Congress appears to be on the verge of not only failing to reinstate such liability but extending it to the states.

H.R. 1689 fails to reinstate more a reasonable statute of limitations for defrauded investors to file a claim. As in the case of aiding and abetting, Congress has now had two opportunities to reinstate a longer, more reasonable statute of limitations for defrauded investors to bring suit. Many frauds are not discovered within this shortened time period, but this bill misses the opportunity to make wronged investors whole by not including this provision in H.R. 1689 and by extending the existing unreasonably narrow time period in which suits may be brought to the states.

The definition of "class action" contained in H.R. 1689 is overly broad. We believe that the definition of class action in H.R. 1689 would allow single suits filed by individual plaintiffs to be rolled into a larger class action that was never contemplated or desired by individual plaintiffs and have it removed to federal court. Claims by the bill's proponents that individual plaintiffs would still be able to bring suit in federal court are undercut by this provision. We believe that no showing has been made of the need for a securities law definition of class action which differs from that of other types of class actions under the Federal Rules of Civil Procedure.

There have been few state securities class actions filed since the Private Securities Litigation Reform Act of 1995 (PSLRA) was passed. Despite the claims of the bill's proponents, tracking by the Price Waterhouse accounting firm shows that only 44 securities class actions were filed in state court for all of 1997, compared with 67 in 1994 and 52 in 1995. Most of these cases were filed in California, indicating that, if there is a problem in that state, it is one which should be dealt with at the state level. Citizens of the other 49 states should not be penalized as a result of a unique situation in a single state.

The PSLRA was opposed by state and local governments because the legislation did not strike an appropriate balance, and this legislation extends that mistake to state courts. As both issuers of debt and investors of public funds, state and local governments seek to not only reduce frivolous lawsuits but to protect their investors who are defrauded in securities transactions. The full impact of that statute on investor rights and remedies remains unsettled because even now many parts of the PSLRA have not been fully litigated; however, this untested law would now be extended to state courts.

The above organizations believe that states must be able to protect state and local government funds and their taxpayers and that H.R. 1689 inhibits these protections. We urge you to oppose preemption efforts which interfere with the ability of states to protect their public investors and to maintain investor protections for both public investors and their citizens.

Government Finance Officers Association; Municipal Treasurers' Association; National Association of Counties; National Association of County Treasurers and Finance Officers; National Association of State Retirement Administrators; National Conference on Public Employee Retirement Systems; National League of Cities.

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

Mr. BLILEY. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Washington (Mr. WHITE) an instrumental force in bringing this bill to the floor.

Mr. WHITE. Mr. Speaker, I thank the chairman very much for yielding me the time and also for his patience and wonderful leadership in bringing this bill to the point where it is today. It is a real testament to his leadership in our committee.

Mr. Speaker, we spend a lot of time in this House complaining about lawyers. And as a former lawyer, I would have to say that sometimes our complaints are justified. But when we pass a bill that intelligent lawyers can use to a purpose other than what we intended, it is not the lawyers' fault; it is our fault.

□ 2030

Frankly that is what this bill, H.R. 1689, is all about. In 1995, two-thirds of this House, in fact more than two-thirds of this House voted for the Private Securities Litigation Reform Act of 1995. We passed it over President Clinton's veto. The whole idea of this legislation was to let good suits go forward but to try to slow down frivolous lawsuits so they did not cause too much harm in our economy, especially to the smaller companies that are the provider of so many jobs and so many innovations in our economy. But as luck would have it, we left a few loopholes in that bill. One thing we discovered is that suits that were formerly brought in Federal court under the old days were now being brought in State court as a way of getting around the statute that we passed. Not only were these suits being brought in State court, it was clear from the testimony of lawyers who testified in our committee that they had to advise their clients to bring these suits in State court because it was a more favorable environment.

H.R. 1689 is simply designed to fix that particular problem. Now, we will hear some things today as some potential problems that people have with H.R. 1689. Frankly, Mr. Speaker, it is quite logical that people who did not support the law that we passed in 1995 are not going to support this law, either. This law is designed to perfect what we did in 1995, to make it work right. But this is a limited bill designed to accomplish a very good purpose.

Make no mistake about it, Mr. Speaker, this bill only applies to national lawsuits. It only applies to securities that are traded on the three national exchanges in our country. It only applies to class actions. State lawsuits will still be permitted under this bill.

Mr. Speaker, I urge my colleagues in the House to vote for this bill and finish the job that we started in 1995 so that we can bring some order and responsibility to shareholder lawsuits in our country.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, back in 1995 the Committee on Commerce developed and this Congress passed and approved over a presidential veto the Private Securities Litigation Reform Act which put strict limits on Federal investor class action lawsuits. At the time we were being told by our friends who argued in favor of that that these victims would still have State redress. They could go to the State courts. Well, here we go again. From on high in Washington, D.C., dictating back to the States, "You can't do this."

I did not dream that my Republican colleagues would ever want to start

telling the State courts what they could and could not do. My question is, what next do we tell them? That you cannot hear tobacco suits? That you cannot hear real estate suits? This comes at a time when an increased number of unsophisticated investors are getting into the stock market. An increased number of unsophisticated investors are getting into all marketplaces. We fear that these unsophisticated investors, many of them our constituents, might be victimized and not have redress at the Federal level and now being told by this Congress they would not have redress at the State level.

Now, there appears to be no explosion of State securities class actions. I do not see any need for this bill. I would point to last year when there were only 44 cases throughout this entire Nation, the lowest number in 5 years. We have a situation back in Pennsylvania where not exactly unsophisticated investors, many school districts, were taken for a ride by a company called Devon Capital Management. They defrauded 100 municipal clients in Pennsylvania and elsewhere. Those clients included 75 school districts, mostly in western and central Pennsylvania. Are these unsophisticated investors? I do not think so. Many of these municipal governments, school districts included, will be lucky if they can get 10 cents on the dollar. A few may get lucky enough to get 50 cents on the dollar.

Mr. Speaker, this is a bad bill and I would suggest that the Members of this Congress vote against it.

Mr. BLILEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, let me first thank the gentleman from Virginia (Mr. BLILEY) and those that worked with him to bring this bill to the floor. As many of my colleagues know, the securities litigation reform bill was first filed way back in 1992. It was a bill that we crafted, in fact I was the lead sponsor of it then, to put an end to strike lawsuits in this country of which 94 percent were settled out of court at 10 cents on the dollar. When lawsuits are filed and settled at that rate, 94 percent of them, at 10 cents on the dollar, it paints the picture that I think in a bipartisan way this Congress responded to in 1995. It paints a picture of strike lawsuits, frivolous lawsuits that do not have value except to force the people who have been sued to divvy up, to pay up 10 cents on the dollar just to end the lawsuit, to end the abusive lawsuits.

When were they filed? They were filed immediately when any stock prices changed up or down. They were filed in cookie cutter fashion, very often with the same plaintiffs on the front of the class action lawsuits, very often by the same set of lawyers in America, a unique set of lawyers who constantly brought these strike lawsuits aimed at the directors of corporations, aimed at the corporations themselves, aimed at the accountants and the law firms that represented those corporations, aimed at as many people as they could gather in a lawsuit so at 10 cents on the dollar the lawyers can make a killing.

Did the shareholders who supposedly were defrauded do well in these lawsuits? Absolutely not. We found out that the shareholders got as little as four cents of the claims, four cents of the supposedly defrauded amounts. The truth was that the law before 1995 existed for the benefit of a few lawyers who literally were abusing the system with these strike suits. And abusing who? The corporations, their investors, their pension fund investors, all of us who invested in these corporations thinking that we were making a legitimate investment in a corporation that was going to go out and try to earn a profit for their American stockholders. Instead these corporations were having to pay tribute time after time at 10 cents on the dollar for these strike suits aimed at the heart of corporate America and aimed at the heart of all of us who invest, from the poorest American who invests through their pension funds to the richest who invest in Wall Street directly.

The bottom line was that in 1995, this Congress in a bipartisan fashion not only passed that bill but overrode a presidential veto, a bill that had the support then of the chairman of the Securities and Exchange Commission. But what did we find out after passing the bill even over a presidential veto with such a huge bipartisan majority of over two-thirds? We found out that the same lawyers attempted in the State of California to overcome that Federal law and set up a regime in California to file all the same lawsuits simply in State court in California. We found that time and again the same lawyers were filing the same cookie cutter lawsuits in State courts around America. In short, they were avoiding the reforms we passed over a presidential veto in Congress by using other jurisdictions to accomplish it.

So we are here tonight to perfect that law, to say you cannot use the State courts to do the same illicit, abusive strike suits that you were formerly doing in Federal court.

Have we taken away any legitimate rights of people who have been harmed? No. Lawsuits brought on fraud charges both in State and Federal courts can go forward. They simply go forward under the reforms we passed both on the Federal law and now conforming that Federal law to the 50 States. In short, this bill perfects the work of the 104th Congress in 1995. I urge the passage of this bill and the end of these abusive lawsuits.

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

Mr. Speaker, I include for the RECORD a letter from the Government Finance Officers Association, Municipal Treasurers' Association, National Association of Counties, National Association of County Treasurers and Finance Officers, National Association of State Retirement Administrators, National Conference of Public Employee Retirement Systems, and National League of Cities, all signed this letter in opposition to this legislation.

The text of the letter is as follows:

GOVERNMENT FINANCE OFFICERS ASSOCIATION, MUNICIPAL TREASURERS' ASSOCIATION, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL ASSOCIATION OF COUNTY TREASURERS AND FINANCE OFFICERS, NATIONAL ASSOCIATION OF STATE RETIREMENT ADMINISTRATORS, NATIONAL CONFERENCE ON PUBLIC EMPLOYEE RETIREMENT SYSTEMS, NATIONAL LEAGUE OF CITIES

July 20, 1998.

MEMBER OF CONGRESS,
House of Representatives, Washington, DC.

RE: H.R. 1689, Securities Litigation Uniform Standards Act of 1998

DEAR REPRESENTATIVE: The state and local government organizations listed above write in opposition to H.R. 1689, the Securities Litigation Uniform Standards Act of 1998, as reported by the House Committee on Commerce, which is scheduled to be considered by the full House early this week. Our most significant concerns are the following:

Despite the preservation of the right of state and local governments to their pension plans to pursue class actions in state courts which is included in H.R. 1689, the limitation on this right that those in the class must be named plaintiffs and authorize such participation will severely limit the ability of the most vulnerable public entities to recover their losses. State and local governments support the underlying provision to preserve the fundamental right of a state or local government or public pension plan to bring a class action in state court. However, we believe that the limitation placed on that right in H.R. 1689 will effectively exclude the most vulnerable public entities, such as small pension plans. These fraud victims are the least likely to be aware of a pending class action and may be unable to initiate a suit on their own. These parties potentially have the most to lose in case of fraud, yet this provision virtually eliminates their ability to recover their losses.

H.R. 1689 fails to reinstate liability for secondary wrongdoers who aid and abet securities fraud. Despite two opportunities to do so since the Supreme Court struck down for private actions aiding and abetting liability for wrongdoers who assist in perpetrating securities fraud, Congress appears to be on the verge of not only failing to reinstate such liability but extending it to the states.

H.R. 1689 fails to reinstate more a reasonable statute of limitations for defrauded investors to file a claim. As in the case of aiding and abetting, Congress has now had two opportunities to reinstate a longer, more reasonable statute of limitations for defrauded investors to bring suit. Many frauds are not discovered within this shortened time period, but this bill misses the opportunity to make wronged investors whole by not including this provision in H.R. 1689 and

by extending the existing unreasonably narrow time period in which suits may be brought to the states.

The definition of "class action" contained in H.R. 1689 is overly broad. We believe that the definition of class action in H.R. 1689 would allow single suits filed by individual plaintiffs to be rolled into a larger class action that was never contemplated or desired by individual plaintiffs and have it removed to federal court. Claims by the bill's proponents that individual plaintiffs would still be able to bring suit in federal court are undercut by this provision. We believe that no showing has been made of the need for a securities law definition of class action which differs from that of other types of class actions under the Federal Rules of Civil Procedure.

There have been few state securities class actions filed since the Private Securities Litigation Reform Act of 1995 (PSLRA) was passed. Despite the claims of the bill's proponents, tracking by the Price Waterhouse accounting firm shows that only 44 securities class actions were filed in state court for all of 1997, compared with 67 in 1994 and 52 in 1995. Most of these cases were filed in California, indicating that, if there is a problem in that state, it is one which should be dealt with at the state level. Citizens of the other 49 states should not be penalized as a result of a unique situation in a single state.

The PSLRA was opposed by state and local governments because the legislation did not strike an appropriate balance, and this legislation extends that mistake to state courts. As both issuers of debt and investors of public funds, state and local governments seek to not only reduce frivolous lawsuits but to protect their investors who are defrauded in securities transactions. The full impact of that statute on investor rights and remedies remains unsettled because even now many parts of the PSLRA have not been fully litigated; however, this untested law would now be extended to state courts.

The above organizations believe that states must be able to protect state and local government funds and their taxpayers and that H.R. 1689 inhibits these protections. We urge you to oppose preemption efforts which interfere with the ability of states to protect their public investors and to maintain investor protections for both public investors and their citizens.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in opposition to H.R. 1689, the Securities Litigation Uniform Standards Act. I too believe that strike suits can be a problem, but I believe more importantly that defrauded investors who cannot recover their losses is a greater problem, and furthermore the way we are superseding long established State laws is a problem as well.

I am concerned like everyone else that many of these lawsuits are being pursued by a very small number of attorneys who are only looking to make money for themselves at the expense of newly emerging high tech firms. These lawsuits can cost a company millions. The issue needs to be addressed. But frankly the issue to this date has been quite limited.

Both proponents and opponents of the bill agree that the number of suits have actually declined in the last year. I believe we would be setting a dangerous precedent by going in and blatantly preempting State securities laws, many of which were passed before the Federal Securities Act of 1933, and many of these States which have long established bodies of blue sky laws and securities cases in their own States.

I have significant federalism concerns about this bill. I think anybody on either side of the aisle who cares about States rights ought to have significant federalism concerns. This is an issue which is important but it is also an issue that is limited in its impact to date and it is an issue where if we pass legislation today, we will severely restrict State laws that protect investors and protect small investors most importantly. For that reason, I urge rejection of this bill. It is premature, and we need to find out a way that States can pass appropriate laws without having them be preempted by Federal law.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. ESHOO) who has been most helpful in this legislation.

Ms. ESHOO. Mr. Speaker, I rise today in support of this legislation which I am very proud to have been the chief Democratic sponsor of, H.R. 1689. This is a narrowly focused bipartisan bill that closes a loophole in the 1995 Private Securities Litigation Reform Act that allowed for, or created really, a circumvention to State courts.

The migration to State courts is not a minor problem. It represents an undermining of the core reforms that this Congress implemented in 1995 because the reform act relied on uniform application and enforcement of the law in order to be effective. The bill is needed because as long as frivolous strike suits are threatening high growth companies, they will be held hostage. Consumers are hurt because the companies will not use the safe harbor provision in the 1995 law.

Mr. Speaker, I have a very limited amount of time, one minute, to try to summarize a year and a half's work, and so I want to spend the remaining seconds to thank the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. OXLEY), the gentleman from New York (Mr. MANTON), the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY). I also want to thank my very effective partner the gentleman from Washington (Mr. WHITE). It has been a pleasure to work with him and all that have been a part of this. I urge adoption of this legislation. I think the 105th Congress will distinguish itself by doing so.

Mr. STUPAK. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this is a terrible bill. I mean really a bad one, a stinker. Write it down, top 10 this year, Bad Bills.

When I was reviewing the legislation, I was reminded of a poem that I once learned as a child:

As I was going up the stair
I met a man who wasn't there.
He wasn't there again today;
Oh, how I wish that he'd stay away.

□ 2045

The proponents of this bill would have you believe that a man has appeared on the stair in the form of investors flocking from Federal to State courts pursuing frivolous class action suits against honest corporate chieftains.

But the fact is that the number of class actions filed in the States is lower this year than it was last year. In fact, it is lower this year than it was in the year before this Congress passed their Federal Securities Litigation Reform Act in 1995. Fewer State class actions, this year. So there is no increase in State class action suits. People are not looking for that as a loophole around the Federal class action law. It is just not happening.

In fact, what is happening is the loophole that is being closed is the one that the authors of this bill in 1995 told us would still be open, which is that they were not going to touch the State securities laws, that we should not complain, because people can still go to their own home States.

That is the loophole. The loophole is that people who do not want ordinary citizens to be able to ban together in order to protect themselves against fraud are going to have that final door shut in their face with a much-heightened standard, making it much more difficult than ever before for individuals banding together to go in if they have been defrauded.

And believe me, when the market goes up 4,000 or 5,000 points in 3 or 4 years, the bad stocks and the fraudulent stocks go up with the good stocks. You do not find out which ones were the fraudulent ones until the market goes down. Believe me, Newton's law of gravity will take hold here, working in combination with Adam Smith in the future. We will find out that that is the case.

But what do they do? They say, if you find out that you have been defrauded, you cannot any longer rely upon your State's laws for how much time you have. In Massachusetts right now, my home State, by the way, there have only been three class action suits brought in Massachusetts in the last 3 years. Three in 3 years, none of them against high-tech companies. What an epidemic. Three in 3 years. None against high-tech companies.

There are 65 in California. If they have got a problem in California, go to Sacramento. That is why we have State legislatures. Devolution, have

you heard about it? It is a big movement in the 1990s. Go to the State legislatures. If you have got a problem, go there.

We should be voting on this. The assembly? The Senate? California? Big debate? Have you heard about it? No, I have not. They come to Washington. I do not get it.

We do not have a problem in Massachusetts. By the way, none in Pennsylvania, Virginia, Louisiana, across most of the country, no suits. What are we doing here? We should be in Sacramento. It is cooler. It is 95 degrees here in Washington. We should be watching the California State legislature in California debating this great crisis.

No, there is no man on the stair except for those who are trying to cut away those rights and privileges that for 60 years have been given to all investors across this country.

Mr. Speaker, I include the following comparison for the RECORD:

STATE BY STATE COMPARISON OF STATUTE OF LIMITATIONS AND AIDING AND ABETTING LIABILITY

Locality	Statute of Limitations	Aiding and Abetting
Federal	1 year after discovery/3 years from sale.	No.
Alabama	2 years after discovery of the facts.	Yes.
Alaska	3 years from the contract for sale	Yes.
Arizona	2 years after discovery of the facts.	Yes.
Arkansas	5 years after discovery	Yes.
California	1 year after discovery/4 years from sale.	Yes.
Colorado	3 years after discovery/5 years from sale.	Yes.
Connecticut	1 year after discovery/3 years from sale.	Yes.
Delaware	3 years from the contract for sale	Yes.
D.C.	2 years from the transaction upon which it is based.	Yes.
Florida	2 years after discovery/5 years from sale.	Yes.
Georgia	2 years from the transaction upon which it is based.	Yes.
Hawaii	2 years after discovery/5 years from sale.	Yes.
Idaho	3 years from the contract of sale	Yes.
Illinois	3 years after discovery/5 years from sale.	Yes.
Indiana	3 years after discovery of the facts.	Yes.
Iowa	2 years after discovery/5 years from sale.	Yes.
Kansas	3 years after discovery of the facts.	Yes.
Kentucky	3 years from the contract for sale	Yes.
Louisiana	2 years from the transaction upon which it is based.	Yes.
Maine	2 years after discovery of the facts.	Yes.
Maryland	1 year after discovery/3 years from sale.	Yes.
Massachusetts	4 years after discovery	Yes.
Michigan	2 years after discovery/4 years from sale.	Yes.
Minnesota	3 years from the contract for sale	Yes.
Mississippi	2 years after discovery of the facts.	Yes.
Missouri	3 years from the contract for sale	Yes.
Montana	2 years after discovery/5 years from sale.	Yes.
Nebraska	3 years from the contract for sale	Yes.
Nevada	1 year after discovery/5 years from sale.	Yes.
New Hampshire	6 years from the contract for sale	Yes.
New Jersey	2 years after discovery of the facts.	Yes.
New Mexico	2 years after discovery/5 years from sale.	Yes.
New York	6 years after sale	Yes.
North Carolina	2 years after discovery of the facts.	Yes.
North Dakota	5 years after discovery of the facts.	Yes.
Ohio	2 years after discovery/4 years from sale.	Yes.
Oklahoma	2 years after discovery/3 years from sale.	Yes.

STATE BY STATE COMPARISON OF STATUTE OF LIMITATIONS AND AIDING AND ABETTING LIABILITY—Continued

Locality	Statute of Limitations	Aiding and Abetting
Oregon	2 years after discovery/3 years from sale.	Yes.
Pennsylvania	1 year after discovery/4 years from sale.	Yes.
Rhode Island	1 year after discovery/3 years from sale.	Yes.
South Carolina	3 years from the contract for sale	Yes.
South Dakota	2 years after discovery/3 years from sale.	Yes.
Tennessee	1 year after discovery/2 years from sale.	Yes.
Texas	3 years from discovery/5 years from sale.	Yes.
Utah	2 years after discovery/4 years from sale.	Yes.
Vermont	6 years from the contract for sale	Yes.
Virginia	2 years from the transaction upon which it is based.	Yes.
Washington	3 years after discovery of the facts.	Yes.
West Virginia	3 years from the contract for sale	Yes.
Wisconsin	3 years after discovery of the facts.	Yes.
Wyoming	2 years from the transaction	Yes.

Mr. BLILEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from Virginia (Mr. BLILEY) has 7¾ minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I appreciate, too, my colleague's remarks. I have not heard that poem for a while, even though I have little kids age 5 and 4. But I do think of Little Red Riding Hood. Do you remember when the wolf is licking his chops and so on? Here, it is not the investors that the wolf is worried about. The wolf wants to eat the investors.

The stockholders here are being taken advantage of by lawyers who bring lawsuits for their own benefit, and that is what the 1995 Private Securities Litigation Reform Act was all about.

There are a lot of these suits. There have been a lot of these suits. Over half of the top 150 companies in Silicon Valley alone were hit by such suits that were regulated by the 1995 Private Securities Regulation Reform Act.

The enormous price that investors had to pay in these suits, according to one study, amounted on average to $9 million for each settlement. That comes out of the company, out of the investors' hides. But it goes to the lawyers. The plaintiffs, the supposed beneficiaries of this system, on average, received from these $9 million, on average, settlements between 6 cents and 14 cents on the dollar.

That is why such a strong bipartisan majority of the House and the Senate have acted first to bring us the 1995 Private Securities Litigation Reform Act and now to bring us this very, very worthy legislation, the White-Eshoo Securities Litigation Uniform Standards Act of 1998.

I want to join in congratulating my colleagues, the gentleman from Washington (Mr. WHITE) and the gentlewoman from California (Ms. ESHOO) for their tireless efforts on behalf of this legislation as well as the gentleman from Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. OXLEY) for their leadership in bringing to us this point.

In addition, finally, I want to highlight a provision added in the committee by the gentleman from Virginia (Mr. BLILEY) that gets directly to the point raised by my colleague, the gentleman from Massachusetts (Mr. MARKEY), and that is giving States the opportunity themselves to handle the implementation of their own laws.

The continued viability of the section 3(a)(10) of the Securities Act of 1933 is unwritten in this legislation, as well as it should be, and I thank my colleagues for doing such good and worthy work.

A strong bipartisan majority of the House and Senate acted in 1995 to reorient federal securities litigation to encourage investors to bring meritorious claims while protecting innocent employers from meritless extortion suits. We acted to protect the millions of innocent investors who were bearing the cost of meritless lawsuits while gaining little or no recompense for genuine fraud.

In 1996, strong bipartisan majorities of the House and Senate again turned to the issue of securities law, this time addressing the appropriate division of labor between state and federal securities regulators. In that historic bill we determined that "covered securities"—basically, those traded on national exchanges—would be subject to federal regulation, while non-covered securities would be regulated by the states.

Today we are going to continue our work in this field of law by protecting the gains we made in the 1995 Reform Act from circumvention by entrepreneurial trial lawyers, and by harmonizing the 1995 Reform Act and the 1996 National Markets legislation.

Trial lawyers have sought to get around our 1995 reforms by bringing their suits in state courts, where those reforms do not apply. Yet as our capital markets are national, and thus investors may live in any of the 50 states, bringing a suit in one state unfairly imposes a financial burden on residents of another state. To address this inequity and assert that national markets require nationally applied rules, this legislation will make federal courts the exclusive venue for large-scale securities fraud lawsuits involving securities subject to federal regulation under the 1996 National Markets Act.

Because questions have been raised about the 1995 Reform Act both in Committee and in the other body, I would like to take this opportunity—as a principal proponent of the Act—to discuss what Congress did, and did not, do in 1995.

First, with respect to scienter under the 1934 Act: In *Ernst & Ernst* v. *Hochfelder*, the Supreme Court made clear that, as a necessary element of a cause of action under Rule 10b–5, a plaintiff must show that the defendant acted with "scienter," which the Court described as "a mental state embracing intent

to deceive, manipulate, or defraud." [425 U.S. 185 (1976)] The Court in *Hochfelder* expressly left open the question whether extreme recklessness could ever supply this necessary intent element, although subsequent judicial decisions have noted that the language and structure of the Act "evidenced a purpose to proscribe knowing or intentional misconduct." [*Aaron* v. *SEC*, 680, 691 (1980)]

Many Members of Congress and of the Conference Committee that considered the Reform Act believed then, and believe today, that recklessness—the oxymoronic "unintentional fraud"—is not an appropriate or workable basis for Rule 10b–5 liability. In practice, it has proven difficult to distinguish from certain forms of negligence, and has resulted in little uniformity of treatment among even courts that purport to follow the same standard of scienter.

However, other House and Senate Members felt differently, and the Act as enacted left to the courts the determination of the scienter standard on the basis of the pre-existing, unamended 1934 Act. I, for one, believe that the Supreme Court will ultimately determine that the text, structure, and legislative history of the 1934 Act clearly require intentional conduct to impose liability.

With respect to the pleading standard in the 1995 Act, here again the legislative intent is quite clear that we intended to codify a pleading standard higher than that of the Second Circuit, and that we did not intend to codify or incorporate by reference the Second Circuit's caselaw interpreting that caselaw. As explained in the Statement of Managers, "The Conference Committee language is based in part on the pleading standard of the Second Circuit . . . Because the Conference Committee intends to strengthen existing pleading requirements, it does not intend to codify the Second Circuit's caselaw interpreting this pleading standard." And we went on to specifically explain that this was the reason why we dropped the so-called Specter Amendment on motive, opportunity, and recklessness—because we wanted a standard higher than the Second Circuit's, not because the Specter language was implicit in our own Act's language.

The President was certainly quite clear about our Conference Report language: In his December 20, 1995 veto message, he wrote, and I am quoting:

> I am prepared to support the high pleading standard of the U.S. Court of Appeals for the Second Circuit—the highest pleading standard of any Federal circuit court. But the conferees make crystal clear in the Statement of Managers their intent to raise the standard even beyond that level. I am not prepared to accept that. The conferees deleted an amendment offered by Senator Specter and adopted by the Senate that specifically incorporated Second Circuit case law with respect to pleading a claim of fraud. Then they specifically indicated that they were not adopting Second Circuit case law but instead intended to "strengthen" the existing pleading requirements of the Second Circuit. All this shows that the conferees meant to erect a higher barrier to bringing suit than any now existing . . .

The President correctly described the 1995 Reform Act's intent though not its effect. It's ironic that he and other Members of his party, having failed to kill reform openly in 1995, now seek to rewrite the history of the battle they lost.

In addition, I want to again highlight a provision added in the Committee by Chairman BLILEY that makes a technical correction to the 1996 Fields bill. This correction restores the viability of Section 3(a)(10) of the Securities Act of 1933, which provides a voluntary state-law alternative to federal securities registration. This provision—which has been an unamended part of the 1933 Act since the enactment of that legislation, exempts from federal registration securities issued in exchange for other securities, claims, or property interests, if the terms and conditions of the issuance and exchange have been approved as fair by state authorities. It is purely voluntary; issuers may still seek federal registration if they wish. Although the 1996 Act does not amend Section 3(a)(10), it inadvertently impeded its operation. I appreciate the Chairman's consideration in including a curative technical amendment endorsed by the California securities regulatory authority in the manager's amendment.

I look forward to the House's passage of this legislation, and I thank the Chairman and my colleagues for their tireless efforts on behalf of this legislation. Together we have protected investors from frivolous lawsuits in the past, and today we shall ensure that this stands in the future.

Mr. STUPAK. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, 1995 is a part of Speaker GINGRICH's Contract With America as Congress passed a bill that was called the Private Securities Litigation Reform Act.

The net result of it was that the only way that a person who intentionally defrauded hard working Americans or retirees of their pension funds can be convicted of doing so would be to walk into a courtroom and say "I stole from you." Just a handful of us voted against it. The President vetoed it. Then a handful of us voted against it again.

Some people who care about working people who do not hang out at the Republican National Committee fund-raising headquarters or the Democratic National Committee fund-raising headquarters but actually care about working people have discovered there is still one chance to keep these people from defrauding working people; and that is if we take them to State court.

Now they want to take even that away because they do not want to protect them because there is no big money in it. The big money is in defrauding people. Ask Michael Milliken. This is a horrible bill. It hurts people that live in my district. It hurts people that live in your district.

They count on us to protect them. They count on us to protect them. They do not have any money. They cannot write us $1,000 checks for our campaign. But they count on us to pass laws that are going to look out for them because they are too busy making a living to do it themselves. So if you want to defraud them of their pension, vote for it. But if you do not, vote against it.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Cox).

Mr. COX of California. Mr. Speaker, I rise for a colloquy with the gentlewoman from California, the principal Democratic sponsor of H.R. 1689.

I note that some question was raised during consideration of her legislation about the 1995 Reform Act's effect on standards of liability under the Exchange Act.

Is it the gentlewoman's understanding that, in adopting her legislation today, Congress does not intend to alter standards of liability under the Exchange Act?

Mr. Speaker, I yield to the gentlewoman from California.

Ms. ESHOO. Mr. Speaker, it is my clear understanding that, adopting this legislation, Congress does not intend to alter standards of liability under the Exchange Act.

I would further like to ask the gentleman from California, who was author of the '95 Reform Act, whether it is his understanding that Congress did not, in adopting the Reform Act, intend to alter standards of liability under the Exchange Act?

Mr. COX of California. The gentlewoman is correct. It is my clear understanding that Congress did not, in adopting the Reform Act, intend to alter standards of liability under the Exchange Act.

Mr. STUPAK. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 5½ minutes remaining.

Mr. STUPAK. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, as Yogi Berra said, this is deja vu all over again. In 1995, my Republican colleagues came up with a splendid idea that we should close the courthouse door to innocent investors who had been wronged by scoundrels, rogues and rascals. They found that there was a loophole, however. That loophole is that, guess what, could investors still go to the State courts. But that was exactly what the citizens were told they could do when we passed that earlier legislation.

Now we are closing that loophole and we are going to nail shut the courthouse doors of the State courts so a citizen wronged cannot now go to a State court.

The 1995 act imposed extraordinary pleading standards, a stay of discovery so that special facts necessary to meet those heightened pleading standards could not be reached, and an unreasonably short time limit or statute of limitations for filing a fraud claim, and no

ability existed under that law to fully recover from professionals such as accountants and lawyers who aided and abetted in stealing funds from innocent investors.

Those same standards are now extended to State courts by fiat of the Federal Government.

I am curious why it is my colleagues on the Republican side, who talk about States rights, are so diligently imposing this kind of mandate on investors and upon the States.

There may be no real ability now, if this passes, for innocent investors to procure the relief that they are entitled to, and. The Chairman of the SEC wrote that: "it is too early to assess with any confidence the important effects of the Reform Act and, therefore, on this basis, it is premature to propose legislative changes."

The assessment of what we did in 1995 is going to take a long time, but it is very clear that now Federal courts are ruling so restrictively that they threaten almost all private enforcement.

The SEC has filed complaints with the courts pointing out in amicus curiae briefs the evils of this situation. What are we doing today? Nailing shut the State court doors, and we are fixing it so that no little investor can expect much relief in State courts any more than he can in Federal courts.

We do this at a time when the market is at an all time high. We also do it at a time when securities fraud is up, way up. The New York Attorney General has reported that investor complaints have risen 40 percent per year in the last 2 years. The U.S. Attorney in New York City has stated that she has witnessed an explosion of securities fraud; and organized crime has now infiltrated Wall Street.

Why then are we passing legislation to give immunity baths to wrongdoers and also to aiders and abetters?

Finally, I note that Members have not had adequate time to review the committee report. I want to commend my good friend the gentleman from Virginia (Mr. BLILEY) and the distinguished gentlewoman from California (Ms. ESHOO) for their part in this. We narrowly avoided a train wreck over the last 2 days because there was an effort made to insert language into the committee report that would have made the plight of investors totally hopeless, and I do commend my friend, the chairman of the committee and of the subcommittee, and the bill's sponsors for blocking that effort.

During the hearing before the subcommittee, the SEC expressed clear concern about District Court cases interpreting the 1995 pleading standards. All 10 Courts of Appeals have considered that question and held that recklessness gives rise to liability.

I note that the legislative history for H.R. 1689 will not seek to alter the standard of liability under the Exchange Act.

Mr. Speaker, I include copies of important letters from the White House, the SEC, the leadership of the Senate Banking Committee on this matter, as follows:

THE WHITE HOUSE,
Washington, April 28, 1998.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Senate Hart Office Building, Washington, DC.

Hon. PHIL GRAMM,
Chairman, Subcommittee on Securities, U.S. Senate, Senate Russell Office Building, Washington, DC.

Hon. CHRISTOPHER J. DODD,
Ranking Member, Subcommittee on Securities, U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR CHAIRMAN D'AMATO, CHAIRMAN GRAMM, AND SENATOR DODD: We understand that you have had productive discussions with the Securities and Exchange Commission (SEC) about S. 1260, the Securities Litigation Uniform Standards Act of 1997. The Administration applauds the constructive approach that you have taken to resolve the SEC's concerns.

We support the amendments to clarify that the bill will not preempt certain corporate governance claims and to narrow the definition of class action. More importantly, we are pleased to see your commitment, by letter dated March 24, 1998, to Chairman Levitt and members of the Commission, to restate in S. 1260's legislative history, and in the expected debate on the Senate floor, that the Private Securities Litigation Reform Act of 1995 did not, and was not intended to, alter the scienter standard for securities fraud actions.

As you know, uncertainty about the impact of the Reform Act on the scienter standard was one of the President's greatest concerns. The legislative history and floor statements that you have promised the SEC and will accompany S. 1260 should reduce confusion in the courts about the proper interpretation of the Reform Act. Since the uniform standards provided by S. 1260 will provide that class actions generally can be brought only in federal court, where they will be governed by federal law, it is particularly important to the President that you be clear that the federal law to be applied includes recklessness as a basis for pleading and liability in securities fraud class actions.

So long as the amendments designed to address the SEC's concerns are added to the legislation and the appropriate legislative history and floor statements on the subject of legislative intent are included in the legislative record, the Administration would support enactment of S. 1260.

Sincerely,

BRUCE LINDSEY,
Assistant to the President and Deputy Counsel.
GENE SPERLING,
Assistant to the President for Economic Policy.

U.S. SENATE,
Washington, DC, March 24, 1998.

Hon. ARTHUR LEVITT,
Chairman, Securities & Exchange Commission, Washington, DC.

DEAR CHAIRMAN LEVITT AND MEMBERS OF THE COMMISSION: We are writing to request your views on S. 1260, the Securities Litigation Uniform Standards Act of 1997. As you know, our staff has been working closely with the Commission to resolve a number of technical issues that more properly focus the scope of the legislation as introduced. We attach for your review the amendments to the legislation that we intend to incorporate into the bill at the Banking Committee mark-up.

On a separate but related issue, we are aware of the Commission's long-standing concern with respect to the potential scienter requirements under a national standard for litigation. We understand that this concern arises out of certain district courts' interpretation of the Private Securities Litigation Reform Act of 1995. In that regard, we emphasize that our clear intent in 1995—and our understanding today—was that the PSLRA did not in any way alter the scienter standard in federal securities fraud suits. It was our intent, as we expressly stated during the legislative debate in 1995, particularly during the debate on overriding the President's veto, that the PSLRA adopt the pleading standard applied in the Second Circuit. Indeed, the express language of the statute itself carefully provides that plaintiffs must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind"; the law makes no attempt to define the state of mind. We intend to restate these facts about the '95 Act in both the legislative history and the floor debate that will accompany S. 1260, should it be favorably reported by the Banking Committee.

Sincerely,

ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing & Urban Affairs.
PHIL GRAMM,
Chairman, Subcommittee on Securities.
CHRISTOPHER J. DODD,
Ranking Member, Subcommittee on Securities.

U.S. SECURITIES AND EXCHANGE COMMISSION
Washington, DC, March 24, 1998.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Senate Hart Office Building Washington, DC.

Hon. PHIL GRAMM,
Chairman, Subcommittee on Securities, U.S. Senate, Senate Russell Office Building, Washington, DC.

Hon. CHRISTOPHER J. DODD,
Ranking Member, Subcommittee on Securities, United States Senate, Senate Russell Office Building, Washington, DC.

DEAR CHAIRMAN D'AMATO, CHAIRMAN GRAMM, AND SENATOR DODD: You have requested our views on S. 1260, the Securities Litigation Uniform Standards Act of 1997, and amendments to the legislation which you intend to offer when the bill is marked-up by the Banking Committee. This letter will present the Commission's position on the bill and proposed amendments. (We understand that Commissioner Johnson will write separately to express his differing views. Commissioner Carey is not participating.)

The purpose of the bill is to help ensure that securities fraud class actions involving certain securities traded on national markets are governed by a single set of uniform standards. While preserving the right of individual investors to bring securities lawsuits wherever they choose, the bill generally provides that class actions can be brought only in federal court where they will be governed by federal law.

As you know, when the Commission testified before the Securities Subcommittee of the Senate Banking Committee in October 1997, we identified several concerns about S. 1260. In particular, we stated that a uniform standard for securities fraud class actions that did not permit investors to recover losses attributable to reckless misconduct would jeopardize the integrity of the securities markets. In light of this profound concern, we were gratified by the language in your letter of today agreeing to restate in S. 1260's legislative history, and in the expected debate on the Senate floor, that the Private Securities Litigation Reform Act of 1995 did not, and was not intended to, alter the well-recognized and critically important scienter standard.

Our October 1997 testimony also pointed out that S. 1260 could be interpreted to preempt certain state corporate governance claims, a consequence that we believed was neither intended nor desirable. In addition, we expressed concern that S. 1260's definition of class action appeared to be unnecessarily broad. We are grateful for your responsiveness to these concerns and believe that the amendments you propose to offer at the Banking Committee mark-up, as attached to your letter, will successfully resolve these issues.

The ongoing dialogue between our staffs has been constructive. The result of this dialogue, we believe, is an improved bill with legislative history that makes clear, by reference to the legislative debate in 1995, that Congress did not alter in any way the recklessness standard when it enacted the Reform Act. This will help to diminish confusion in the courts about the proper interpretation of that Act and add important assurances that the uniform standards provided by S. 1260 will contain this vital investor protection.

We support enactment of S. 1260 with these changes and with this important legislative history.

We appreciate the opportunity to comment on the legislation, and of course remain committed to working with the Committee as S. 1260 moves through the legislative process.

Sincerely,

ARTHUR LEVITT,
Chairman.
ISSAC C. HUNT, JR.,
Commissioner.
LAURA S. UNGER,
Commissioner.

U.S. SECURITIES
AND EXCHANGE COMMISSION,
Washington, DC, March 24, 1998.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Senate Hart Office Building, Washington, DC.

Hon. PHIL GRAMM,
Chairman, Subcommittee on Securities, U.S. Senate, Senate Russell Office Building, Washington, DC.

Hon. CHRISTOPHER J. DODD,
Ranking Member, Subcommittee on Securities, U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR CHAIRMAN D'AMATO, CHAIRMAN GRAMM, AND SENATOR DODD: It is with regret that I find myself unable to join in the views expressed by my esteemed colleagues in their letter of today's date. For that reason I feel compelled to write separately to express my own differing views.

Consistent with the opinion the Commission and its staff have repeatedly taken, I believe that there has been inadequate time to determine the overall effects of the Private Securities Litigation Reform Act of 1995, and that the proponents of further litigation reform have not demonstrated the need for preemption of state remedies or causes of action at this time.

In the last few years, we have experienced a sustained bull market virtually unmatched at any time during this nation's history. I therefore question the necessity of the displacement of state law in favor of a single set of uniform federal standards for securities class action litigation. The Commission is the federal agency charged with protecting the rights of investors. In my opinion, S. 1260, the Securities Litigation Uniform Standards Act of 1997, does not promote investors' rights. I share in the views of 27 of this country's most respected securities and corporate law scholars who have urged you and your colleagues not to support S. 1260 or any other legislation that would deny investors their right to sue for securities fraud under state law.

In addition, data amassed by the Commission's staff, compiled in unbiased external studies, indicate that the number of state securities class actions has declined during the last year to pre-Reform Act levels. Indeed, a report by the National Economic Research Associates concluded that the number of state court filings in 1996 was "transient." Under these circumstances, S. 1260 seems premature at the least.

This country has a distinguished history of concurrent federal and state securities regulation that dates back well over 60 years. Given that history, as well as the strong federalism concerns that S. 1260 raises, I believe that much more conclusive evidence than currently exists should be required before state courthouse doors are closed to small investors through the preclusion of state class actions for securities fraud.

Sincerely,

NORMAN S. JOHNSON,
Commissioner.

Mr. Speaker, in closing, this is an outrageously bad bill. The Wall Street and our financial markets do not run on money. They run on public confidence. When you take away the public confidence, no one makes money. If you allow the people of this country to have confidence in their investments and in the marketplace, the market will produce a lot of money for everyone.

This bill strikes at one of the most fundamental rights that the people of this country have, the ability to sue to protect themselves from wrongdoing and to collect damages from wrongdoing and from wrongdoers. I would observe that this bill takes away that right.

It also attacks public confidence in the securities market, something which is going to cost this country dearly. I urge a no vote on the outrageous legislation.

□ 2100

Mr. BLILEY. Mr. Speaker, I yield one minute to the gentleman from New York (Mr. MANTON), the ranking member of the subcommittee.

Mr. STUPAK. Mr. Speaker, I yield the balance of my time, 30 seconds, to the gentleman from New York, in appreciation for the time the gentleman has served in this House.

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from New York (Mr. MANTON) is recognized for 1½ minutes.

Mr. MANTON. Mr. Speaker, I thank the gentlemen for yielding me time.

Mr. Speaker, I rise in reluctant support for the legislation before the House. While I support the underlying goals of the measure to bring greater uniformity to the rules governing securities fraud class action suits, I am concerned that in our rush to bring this bill to the floor for consideration, we are not following the normal legislative process.

Mr. Speaker, this is an important and complicated piece of legislation which will have far-reaching effects. The bill requires and deserves appropriate review by the House. However, both proponents and opponents of this legislation are being denied this opportunity because we are considering the legislation under suspension of the rules.

I am especially disappointed in the process we are following, because it will result in a provision I strongly support and believe brought much-needed balance to this measure being stripped from the bill as part of the motion to suspend. This provision would have granted nationwide service of process authority to the SEC, thus providing the Commission a greater ability to prosecute cases involving securities fraud.

Mr. Speaker, while we look at ways to create national uniform standards for securities fraud litigation, we should also certainly look at ways to give State and Federal securities regulators the means necessary to seek out and stop dishonest operators that perpetuate securities fraud across State lines. My language, a provision which was part of an overall agreement, a compromise, if you will, to move this legislation forward, would have addressed this very issue.

Mr. Speaker, I understand that the decision to strike this provision rests primarily on jurisdictional grounds, not necessarily substantive ones. I hope we can work this out with our colleagues as the process moves along.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH), a member of the committee.

Mr. DEUTSCH. Mr. Speaker, I want to focus in on two issues that my colleagues raised. The first is that frivolous lawsuits have a cost. They have a cost for all Americans. They have a cost in access to capital, they have a cost in lack of job creation.

That is what this issue is really about. We have seen it, we have seen an actual cost. The strike lawsuits that still exist in this country that found a loophole that this legislation is trying

to correct have a terrible effect on the country, and the only way to prevent it is through this legislation.

The second thing I want to respond to is really some of the comments about the number of lawsuits, that it is a problem that does not exist. Let me be very clear about this, how you can use numbers and sort of play around with numbers.

In 1992, there were only four State cases that were brought on this issue. In 1993 there was one. In 1994 there was one. After we passed the legislation, there were 59 in 1995. In 1996, there were 40. So, yes, there was a decrease between 1995 and 1996, but the only reason we saw a 6,000 percent increase over 1995 levels and 4,000 percent increase over 1995 levels was because of the loophole that this legislation needs to be able to solve.

Mr. Speaker, I urge its support.

Mr. BLILEY. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. OXLEY), the chairman of the subcommittee, to close debate on our side.

Mr. OXLEY. Mr. Speaker, I rise in support of this legislation to close the loophole that enables plaintiff's lawyers to continue to sue for what Judge Friendly called "blackmail settlements." Blackmail settlements occur, of course, when trial lawyers attempt to hold up very effective companies who have had particular problems with their stock and end up spending a great deal of money that could be used for more useful purposes, like research and development and creating jobs, aiding economic expansion. And who pays for that? Really investors do. The company's shareholders and employees lose every time that the company has to pay off a passel of lawyers just to settle a case based on nothing other than one fact, that the company's stock dropped in value, along with some vague nonspecific and baseless allegations of fraud.

The Private Securities Litigation Reform Act put into place protections against these types of claims, and, indeed, what we have seen over the last several months has been a deterioration of that, and, indeed, the loophole that the gentleman from Michigan pointed out has been widening as the days go by.

Since passage of that Reform Act, however, we have seen a dramatic change in that securities litigation. But like a teenager who cleans his room by putting everything under the bed, we have not really eliminated the problem, it just moved. In this case it moved to the State court.

The shift to State court means that investors, employees and the companies seeking capital are wasting valuable resources paying off lawyers, who continue to be successful in extracting blackmail settlements from companies who cannot afford to fight even baseless securities fraud claims.

This legislation before us today eliminates the State court loophole by creating a set of uniform standards for class action lawsuits and eliminates a lot of these fishing expeditions that take place as a result. It does this by granting Federal judges the power to quash discovery in State actions if that discovery conflicts with the order of the Federal court.

I want to thank particularly my good friend, the gentleman from Washington (Mr. WHITE), as well as the gentlewoman from California (Ms. ESHOO), the lead Democrat sponsor, for their indefatigable efforts on the part of this legislation.

I want to thank the chairman of the committee, the gentleman from Virginia (Mr. BLILEY), for leading the committee to develop and improve this legislation.

Mr. Speaker, I want to pay particular thanks to the gentleman from New York (Mr. MANTON), the ranking member of my subcommittee, who has been very helpful in this area. Let me first of all say that we will all miss the gentleman from New York (Mr. MANTON) and his good work here, and we hope to have words later for him in honoring him. But let me say to my friend from New York that I pledge to work with him as we go to conference on the provision that the gentleman had inserted into this legislation. It is important, not only for the State of New York, but for the SEC and for states in general. We want to make certain. It is unfortunate because of a jurisdictional dispute that we had this.

This is good legislation that closes a major loophole. I am proud of the bipartisan support that this bill has engendered.

Ms. ESHOO. Mr. Speaker, I ask unanimous consent to extend the debate by 2 minutes.

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

Mr. DINGELL. Mr. Speaker, reserving the right to object, how is the time to be divided and why we are doing this?

The SPEAKER pro tempore. The Chair recognizes that there is an equal division of the time, 1 minute on either side. The gentlewoman from California (Ms. ESHOO) will control 1 minute, and the gentleman from California (Mr. COX) will control 1 minute.

PARLIAMENTARY INQUIRIES

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DINGELL. Mr. Speaker, the gentleman from California (Mr. COX) is for the bill and the gentlewoman from California (Ms. ESHOO) is for the bill. They are going to share the time equally, half the time over there and half the time to the supporters on this side? I am curious, is that a fair ruling?

The SPEAKER pro tempore. The Chair heard no objection to the unanimous consent request.

Mr. STUPAK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STUPAK. Mr. Speaker, it is my understanding that the proponents of the bill would like to insert a statement to put in as an addition to the debate. Instead of taking up 2 minutes, can we just do it by unanimous consent? That way we do not have to worry about division of time.

The SPEAKER pro tempore. Colloquy must be spoken and not inserted in the record.

Mr. DINGELL. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from California (Ms. ESHOO) is recognized for 1 minute.

Ms. ESHOO. Mr. Speaker, I yield myself 1 minute, and would ask the gentleman from California (Mr. COX) to begin the colloquy.

Mr. COX of California. Mr. Speaker, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, I thank my colleague from California, the coauthor of the bill, for yielding.

Mr. Speaker, earlier on the floor we had discussed our understanding, our clear understanding, that Congress did not, in adopting the Reform Act, intend to alter standards of liability under the Exchange Act. I would add, and I believe the gentlewoman is in agreement, that in Ernst and Ernst v. Hochfelder, the Supreme Court left open the question of whether conduct that was not intentional was sufficient for liability under the Federal securities laws. The Supreme Court has never answered that question. The court expressly reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 10b-5 in a subsequent case, Herman & Maclean v. Huddleston, where it stated, "We have explicitly left open the question of whether recklessness satisfies of the scienter requirement."

The Reform Act did not alter the standard for liability under the Exchange Act. The question was expressly left open by the Reform Act for resolution by the Supreme Court on the basis of the statutory language of the Exchange Act.

The SPEAKER pro tempore. The time of the gentlewoman from California (Ms. ESHOO) has expired.

The gentleman from California (Mr. COX) is recognized for 1 minute.

Mr. COX of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. Speaker, I will just ask the gentlewoman from California (Ms. ESHOO), if that is her understanding as well?

Ms. ESHOO. Mr. Speaker, will the gentleman yield?

Mr. COX of California. I yield to the gentlewoman from California.

Ms. ESHOO. Mr. Speaker, that is my understanding. I thank everyone concerned for the additional time in the debate. This is important language supported by certainly the Chairman of the Securities and Exchange Commission, and I think it will serve the House well.

Mr. DAVIS of Florida. Mr. Speaker, as a cosponsor of this legislation, I rise in strong support of H.R. 1689, the Securities Litigation Uniform Standards Act. This bipartisan initiative is narrowly tailored to address a problem which has arisen since enactment of the 1995 Private Securities Litigation Reform Act. While the 1995 Act was designed to help end abuses in Federal securities class actions, these reforms have been subverted through the use of State courts, undermining the potential benefits to investors, consumers, workers, and the overall economy.

This bill prevents plaintiffs from circumventing the reforms enacted in 1995 by creating a uniform standard for class action lawsuits involving nationally traded securities. The principle behind this legislation is simple. Nationally traded securities, which are primarily regulated by the Federal Government, should be subject to Federal securities law. By establishing fair and consistent rules, Congress not only will protect companies from abuses in class action lawsuits but also will improve the climate for greater forward-looking disclosures for investors.

Mr. Speaker, I urge all of my colleagues to support this common-sense legislation and reinforce the reforms that Congress passed by an overwhelming majority in 1995.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 1689, as amended.

The question was taken.

Mr. STUPAK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS THREATENING TO DISRUPT MIDDLE EAST PEACE PROCESS—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, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

1. On January 23, 1995, I signed Executive Order 12947, "Prohibiting Transactions with Terrorists Who Threaten To Disrupt the Middle East Peace Process" (the "Order") (60 Fed. Reg. 5079, January 25, 1995). The Order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the Order. The Order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the Order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the Order (collectively "Specially Designated Terrorists" or "SDTs").

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the Order are effective upon the date of determination by the Secretary of State or her delegate, or the Director of the Office of Foreign Assets Control (OFAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the Federal Register, or upon prior actual notice.

Because terrorist activities continue to threaten the Middle East peace process and vital interests of the United States in the Middle East, on January 21, 1998, I continued for another year the national emergency declared on January 23, 1995, and the measures that took effect on January 24, 1995, to deal with that emergency. This action was taken in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)).

2. On January 25, 1995, the Department of the Treasury issued a notice listing persons blocked pursuant to Executive Order 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 Fed. Reg. 5084, January 25, 1995). The notice identified 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition, the notice provided 9 name variations or pseudonyms used by the 18 individuals identified. The list identifies blocked persons who have been found to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process or to have assisted in, sponsored, or provided financial, material or technological support for, or services in support of, such acts of violence, or are owned or controlled by, or act for or on behalf of other blocked persons. The Department of the Treasury issued three additional notices adding the names of three individuals, as well as their pseudonyms, to the list of SDTs (60 Fed. Reg. 41152, August 11, 1995; 60 Fed. Reg. 44932, August 29, 1995; and 60 Fed. Reg. 58435, November 27, 1995).

3. On February 2, 1996, OFAC issued the Terrorism Sanctions Regulations (the "TSRs" or the "Regulations") (61 Fed. Reg. 3805, February 2, 1996). The TSRs implement the President's declaration of a national emergency and imposition of sanctions against certain persons whose acts of violence have the purpose or effect of disrupting the Middle East peace process. There have been no amendments to the TSRs, 31 C.F.R. Part 595, administered by the Office of Foreign Assets Control of the Department of the Treasury, since my report of January 28, 1998.

4. Since January 25, 1995, OFAC has issued six licenses pursuant to the Regulations. These licenses authorize payment of legal expenses and the disbursement of funds for normal expenditures for the maintenance of family members, the employment and payment of salary and educational expenses, payment for secure storage of tangible assets, and payment of certain administrative transactions, to or for individuals designated pursuant to Executive Order 12947.

5. The expenses incurred by the Federal Government in the 6-month period from January 23 through July 22, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East Peace process, are estimated at approximately $165,000. These data do not reflect certain costs of operations by the intelligence and law enforcement communities.

6. Executive Order 12947 provides this Administration with a tool for combating fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The Order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations and individuals to preclude diversion of such donations to terrorist activities.

Executive Order 12947 demonstrates the determination of the United States to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism. I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 21, 1998.*

□ 2115

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DICKEY). 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.

STARR'S CANDOR IN PLEDGING NOT TO LEAK INVESTIGATIVE INFORMATION IS CALLED INTO QUESTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, according to media reports, a hearing was held this morning on the issue of leaks by the Office of Independent Counsel Kenneth Starr.

The issue of leaks by the Independent Counsel and his staff is not new. Last month, Mr. Starr acknowledged in an interview that he has talked to reporters on an "off the record basis," and that his chief deputy, Mr. Jackie Bennet, Jr., spends much of his time talking to the media.

The Independent Counsel argues that there is nothing improper about his contacts with the media because he did not disclose any information coming directly from the grand jury. According to him, there is nothing wrong with talking to the press about his investigation so long as the information he reveals has not yet come before the grand jury. I find that overly technical distinction to be unpersuasive.

In the past, Mr. Starr has flatly denied leaking to the press. In fact, his earlier public statements took a hard line on the issue. He has said the following about the release of confidential information by his office:

"The release of any investigative information by a member of this office or any other law enforcement agency would constitute a serious breach of confidentiality." Ken Starr, Washington Times, April 30, 1996.

"Consistent with its historical practice, the Department of Justice does not ordinarily disclose the evidence gathered during an investigation except through the mechanism of indictment and trial. *See* 28 CFR § 50.2." Annual Status Report to Congress By The Office of Independent Counsel Kenneth W. Starr, p. 13 (Aug. 9, 1997).

"[A]n independent counsel 'shall, except to the extent that to do so would be inconsistent with the purposes of the statute, comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws.' 28 U.S.C. § 594(f)(1)." Annual Status Report to Congress By The Office of Independent Counsel Kenneth W. Starr, p. 13 (Aug. 9, 1997).

"As much as I understand the questions that you have, I am operating under constraints of confidentiality. It is simply inappropriate, it's simply improper for me to be addressing questions in the course of an investigation." Ken Starr Press Conference, Jan. 22, 1998.

"I'm not going to comment on the status of our negotiations [with Ms. Lewinsky's lawyers]. That again, if you ask specific facts, Linda, which you're entitled to do, I just hope you understand, especially when you ask a kind of question about the status of someone who might be a witness, that goes to the heart of the grand jury process." Ken Starr Press Conference, Feb. 5, 1998.

The obligation of laws, I cannot answer some of the questions that you understandably have. I'm sympathetic with that. But I am under a legal obligation not to talk about facts going before the grand jury. Ken Starr Press Conference, Feb. 5, 1998.

I believe in having testimony and evidence put before 23 men and women drawn at random. That's our system. That is government by the people. It's not government by prosecutors. It's putting evidence before a grand jury. That is our system. It's a sound system. It's centuries old. It was ordained at the founding of the American republic. Part of that is, guard the confidentiality of that. Ken Starr Press Conference, Feb. 5, 1998.

"In my service as Independent Counsel, particularly with regard to the secrecy of the grand jury, I have insisted on a high commitment to professional conduct. I have expressed this commitment to you repeatedly. From the beginning, I have made the prohibition of leaks a principal priority of the Office. It is a firing offense, as well as one that leads to criminal prosecution. In the case of each allegation of improper disclosure, we have thoroughly investigated the facts and reminded the staff that leaks are utterly intolerable." Letter from Ken Starr to David Kendall, February 6, 1998, at p.1.

"In light of the unclear press attributions in some examples cited in your letter, I have undertaken an investigation to determine whether, despite my persistent admonitions, someone in this Office may be culpable. I have no factual basis—as you likewise do not have—even to suspect anyone at this juncture." Letter from Ken Starr to David Kendall, February 6, 1998, at p.1.

Mr. Starr's earlier statements to the public appear inconsistent with his more recent admission that he and his deputy routinely talk to the press. The changing positions he has taken raise questions about whether he has been fully candid about the extent of his dealings with the media.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING REVISIONS TO THE ALLOCATION FOR THE HOUSE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 2 OF THE HOUSE RESOLUTION 477

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, Mr. KASICH, is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the Congressional Record revisions to the allocation for the House Committee on Appropriations pursuant to section 2 of House Resolution 477 to reflect $475,000,000 in additional new budget authority and $475,000,000 in outlays for fiscal year 1999.

As reported by the House Committee on Appropriations, H.R. 4276, a bill making appropriations for Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Bill for Fiscal Year 1999, includes $475,000,000 in budget authority and $475,000,000 in outlays for international arrearages.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment.

Questions may be directed to Art Sauer or Jim Bates at x6–7270.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are times when issues impacting this country and the concerns of Americans and the concerns of our constituents, in this instance, my constituents in Houston and those in Texas, really grab hold of us. Frankly, I think the debate that we will have this week on the question of the Patients' Bill of Rights is one that really

goes directly to the heart of the matter. Frankly, it is no issue to take lightly; it is no issue to take frivolous sides, to be partisan and to not come to a resolution. It is a very serious discussion.

Mr. Speaker, I am saddened by the fact that we have now thrown the gauntlet down on the Republican legislation and the Patients' Bill of Rights. I say Republicans over here, and the Patients' Bill of Rights, because that legislation truly represents what the American people want. It is disappointing to me that this House would rise to do something as important as answering the concerns of so many Americans about the abuses of HMOs and to design legislation with absolutely no hearings. I am very gratified today, however, that Democrats saw fit to hold hearings so that testimony could be heard in this Congress on the tragedy of some of the abuses of HMOs.

I think it is important to emphasize the positive, and that is that the Patients' Bill of Rights is centered around a major concept, and that is the sanctity of the patient-physician relationship. So there is no intervener who comes in and says, you are denied service. There is no one who closes the door to an injured loved one when one comes to the emergency room. There is no one who says to you that this service is not going to be paid for.

So many tragedies have occurred because HMOs have taken upon themselves to emphasize business decisions and cost decisions which certainly have merit for more efficient medical care, but they have decided to do that over the needs of those who need the kind of care that is important in America.

We have had women who have been denied the use of an OB-GYN as a primary caretaker. We have had people who have been turned away from the emergency rooms. We have had doctors who have been intimidated by bureaucrats in some other State saying, no, that service is denied. We have had those doctors and nurses who want to give real quality care being refused the ability to serve their respective patients, and then we have had a very funny system: Well, if you do not like what the HMOs have done, why do you not just appeal? Mr. Speaker, 2 weeks at a time to take an appeal. The Patients' Bill of Rights gives a little extra clout to the patient.

Mr. Speaker, we stand on the side of those who are intimidated and who are denied the service by giving them the ability to sue the HMOs. Is that the anchor of our legislation? Absolutely not. But we do recognize that the health care in America is broken and it needs to be fixed.

Let me suggest to my colleagues why, because today Democrats took a real bold step and listened to those individuals who wanted to tell us what had happened to them with HMOs.

Sharon Crossley of Wallingford, Connecticut. In 1997, Sharon was diagnosed with breast cancer. Four days before her surgery was scheduled, the HMO medical review doctor denied that surgery. After making countless calls to her HMO, she was told by a customer service agent that if she did not agree with her medical review doctor's decision, she could follow the internal written appeals procedure. HMO members were not allowed to speak to the medical review doctor. Time was running out. Sharon was 3 weeks into biopsy, and after a biopsy is performed, there is only a 3 or 4 week window to take the next course of action. Sharon contacted a local Member of Congress who got her the surgery.

In 1989 Florence and Wayne Cocoran tragically lost their baby boy when Florence's managed care plan denied hospitalization over her obstetrician's objections during her eighth month of high-risk pregnancy. Florence was faced with a high-risk pregnancy; her obstetrician ordered her hospitalized, as she had been successfully in a previous high-risk pregnancy, which resulted in a healthy baby, yet her managed care company overruled her doctor and denied the hospitalization, even though they had a second opinion agreeing with the doctor's advice. Instead, Cocoran's insurer ordered home nursing for only 10 hours each day. During the last month of Cocoran's pregnancy, when no nurse was on duty, the baby went into distress and the baby died.

The Republican plan leaves out 100 million Americans who need medical insurance and medical coverage.

Mr. Speaker, I simply say, let us pass a real Bill of Rights for the patients of America. Let us stand with those who count: Caretakers and patients and Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. ARMEY) until 2:30 p.m. today on account of illness.

Mr. FORD (at the request of Mr. GEPHARDT) for Tuesday, July 21, on account of personal business.

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 Ms. DEGETTE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.
Mr. CONYERS, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.
Mrs. TAUSCHER, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. OXLEY) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.
Mr. SOUDER, for 5 minutes, today.
Mr. KASICH, 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 Ms. DEGETTE) and to include extraneous material:)

Mr. BERMAN.
Ms. LEE.
Mr. KIND.
Mr. SANDERS.
Mr. SKELTON.
Mr. ROTHMAN.
Mr. CONYERS.
Mr. BERRY.

(The following Members (at the request of Mr. OXLEY) and to include extraneous material:)

Mr. CUNNINGHAM.
Mr. PAUL.
Mr. FRANKS of New Jersey.
Mr. RADANOVICH.
Mrs. EMERSON.
Mr. HANSEN.
Mr. SAXTON.
Mr. WHITE.
Mr. SHAW.
Mr. SMITH of New Jersey.
Mrs. MORELLA.
Mr. BASS.
Mr. WALSH.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest in the State of Colorado to Placer County, California.

H.R. 1460. An act to allow for the election of the Delegate from Guam by other than separate ballot, and for other purposes.

H.R. 1779. An act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

H.R. 2165. An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes.

H.R. 2217. An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.

H.R. 2841. An act to extend the time required for the construction of a hydroelectric project.

H.R. 2676. An act to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2316. An act to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 22, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10102. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Louisiana [Docket No. 98-068-1] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10103. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP-300677; FRL-5797-7] (RIN: 2070-AB78) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10104. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Gliocladium Catenulatum Strain J1446; Exemption from the Requirement of a Tolerance [OPP-300665; FRL-5794-3] (RIN: 2070-AB78) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10105. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerances for Emergency Exemptions [OPP-300678; FRL-5798-6] (RIN: 2070-AB78) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10106. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's rule—Organization; Loan Policies and Operations; Disclosure to Shareholders; Disclosure to Investors in Systemwide and Consolidated Bank Debt Obligations of the Farm Credit System; Other Financing Institutions (RIN: 3052-AB67) received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10107. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10108. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Final Theft Data; Motor Vehicle Theft Prevention Standard [Docket No. NHTSA-97-3125; Notice 02] (RIN: 2127-AH04) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Montana; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [MT-001-004a; FRL-6122-2] received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Area for Air Quality Planning Purposes; State of California; Redesignation of the San Francisco Bay Area to Nonattainment for Ozone [CA-008-BU, FRL-6120-4] received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Underground Storage Tank Program: Approved State Program for Nevada [FRL—6118-1] received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10112. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") [16 CFR Part 305] received July 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10113. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-380, "Assault on an Inspector or Investigator and Revitalization Corporation Amendment Act of 1998" received July 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10114. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-382, "Official Dinosaur Act of 1998," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10115. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Washington Sport Fishery [Docket No. 980225048-8059-02; I.D. 062398A] received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10116. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Technical Amendment to Passenger Train Emergency Preparedness Docket; Safety Glazing Standards; Correction [FRA Docket No. PTEP-1, Notice No. 4] (RIN: 2130-AA96) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10117. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109C and A109K2 Helicopters [Docket No. 97-SW-65-AD; Amendment 39-10619; AD 98-13-28] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10118. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model EC 135 Helicopters [Docket No. 98-SW-18-AD; Amendment 39-10632; AD 98-09-11] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10119. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, L, and L1 Helicopters [Docket No. 97-SW-39-AD; Amendment 39-10630; AD 98-13-39] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10120. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 and Model SA330F, G, and J Helicopters [Docket No. 98-SW-11-AD; Amendment 39-10633; AD 98-06-04] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10121. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 330F, G, and J Helicopters [Docket No. 97-SW-06-AD; Amendment 39-10631; AD 98-13-40] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10122. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Youngstown Elser Metro Airport, OH [Airspace Docket No. 98-AGL-24] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10123. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Griffith, IN [Airspace Docket No. 98-AGL-22] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10124. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fort Atkinson, WI [Airspace Docket No. 98-AGL-23] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10125. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of

Class E Airspace; Roxboro, NC [Airspace Docket No. 98-ASO-5] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10126. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 98-NM-115-AD; Amendment 39-10629; AD 98-13-38] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10127. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A, SAAB 340B, and SAAB 2000 Series Airplanes [Docket No. 96-NM-212-AD; Amendment 39-10627; AD 98-13-36] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10128. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9 and DC-9-80 Series Airplanes, Model MD-88 Airplanes, and C-9 (Military) Series Airplanes [Docket No. 96-NM-203-AD; Amendment 39-10626; AD 98-13-35] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10129. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 97-NM-145-AD; Amendment 39-10622; AD 98-13-31] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10130. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes [Docket No. 97-NM-329-AD; Amendment 39-10623; AD 98-13-32] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10131. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300-600, and A310 Series Airplanes [Docket No. 97-NM-257-AD; Amendment 39-10624; AD 98-13-33] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10132. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Limited, Aero Division-Bristol, S.N.E.C.M.A. Olympus 593 Series Turbojet Engines [Docket No. 98-ANE-15-AD; Amendment 39-10612; AD 98-13-21] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10133. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No. 95-NM-78-AD; Amendment 39-10614; AD 98-13-23] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10134. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Airplanes [Docket No. 97-NM-83-AD; Amendment 39-10615; AD 98-13-24] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10135. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 98-NM-89-AD; Amendment 39-10618; AD 98-13-27] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10136. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes [Docket No. 98-NM-51-AD; Amendment 39-10617; AD 98-13-26] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10137. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 98-NM-16-AD; Amendment 39-10616; AD 98-13-25] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10138. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Limited, Aero Division-Bristol, S.N.E.C.M.A., Olympus 593 Series Turbojet Engines [Docket No. 98-ANE-12-AD; Amendment 39-10609; AD 98-13-20] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10139. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes [Docket No. 97-CE-86-AD; Amendment 39-10599; AD 98-13-11] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10140. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319 and A321-100 Series Airplanes [Docket No. 98-NM-75-AD; Amendment 39-10606; AD 98-13-18] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10141. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. 98-NM-102-AD; Amendment 39-10607; AD 98-13-19] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10142. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB-145 Series Airplanes [Docket No. 98-NM-65-AD; Amendment 39-10604; AD 98-13-16] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10143. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AERMACCHI S.p.A. Models F.260, F.260B, F.260C, and F.260D Airplanes [Docket No. 97-CE-143-AD; Amendment 39-10597; AD 98-13-09] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10144. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 97-NM-250-AD; Amendment 39-10602; AD 98-13-14] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10145. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes [Docket No. 98-NM-81-AD; Amendment 39-10628; AD 98-13-37] (RIN: 2120-AA64) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10146. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Independence Day Celebration Fireworks, Wards Island, East River, New York [CGD01-98-070] (RIN: 2115-AA97) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10147. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election Not to Apply Look-Back Method in De Minimis Cases [TD 8775] (RIN: 1545-AV79) received July 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1689. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes; with an amendment (Rept. 105-640). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2281. Referral to the Committees on Commerce and Ways and Means extended for a period ending not later than July 22, 1998.

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 Mrs. MORELLA (for herself, Mrs. WILSON, Mr. GILMAN, Mr. DAVIS of

Virginia, Mr. MORAN of Virginia, Ms. LEE, Mrs. LOWEY, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. CUMMINGS, Ms. DEGETTE, Ms. ROYBAL-ALLARD, Mr. DREIER, Mrs. MALONEY of New York, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4280. A bill to provide for greater access to child care services for Federal employees; to the Committee on Government Reform and Oversight.

By Mr. PAUL (for himself, Mr. STUMP, and Mr. HILL):

H.R. 4281. A bill to repeal sections 1173(b) and 1177(a)(1) of the Social Security Act; to the Committee on Ways and Means.

By Mr. HORN (for himself, Mrs. MORELLA, Mr. CONYERS, Mr. COSTELLO, Mr. STUPAK, Mr. RAMSTAD, Mrs. KELLY, Ms. CARSON, Mr. CALVERT, Ms. DANNER, Mr. THOMPSON, Mr. BROWN of Ohio, Mr. FORD, and Mr. PAPPAS):

H.R. 4282. A bill to amend title 18, United States Code, with respect to police badges; to the Committee on the Judiciary.

By Mr. BEREUTER (for himself, Mr. HAMILTON, Mr. GILMAN, Mr. LEACH, Mr. HALL of Ohio, Mr. KANJORSKI, Mr. WALSH, Mrs. CLAYTON, Mr. EHLERS, Ms. WATERS, Mr. SANDERS, Mr. RODRIGUEZ, Mr. SCOTT, Mr. DICKS, Mr. MORAN of Virginia, Mr. TOWNS, Ms. CARSON, Mr. ABERCROMBIE, Ms. NORTON, Mr. SNYDER, Mr. LIPINSKI, Ms. SLAUGHTER, Mr. SABO, Mr. LEWIS of Georgia, Mr. WEXLER, Ms. FURSE, Mrs. CAPPS, Ms. BROWN of Florida, Mr. HINCHEY, Mr. BENTSEN, Mr. ACKERMAN, Mr. GEJDENSON, Mr. MCHALE, Mr. BROWN of Ohio, Mr. ENGEL, Mr. SHERMAN, Mr. ROTHMAN, Mr. MENENDEZ, Mr. LANTOS, Mr. CHABOT, Mr. CUMMINGS, Mr. GOODLING, Mrs. MORELLA, Mr. BERMAN, Mr. HORN, Mr. METCALF, Mr. ALLEN, Mr. PETRI, Mr. PORTER, Mr. DIXON, Mrs. MALONEY of New York, Mr. STARK, Mr. OXLEY, Ms. MILLENDER-MCDONALD, Mr. HINOJOSA, Ms. STABENOW, Ms. CHRISTIAN-GREEN, Mr. DAVIS of Illinois, Ms. KILPATRICK, Ms. MCKINNEY, Mr. WATT of North Carolina, and Mr. BARRETT of Nebraska):

H.R. 4283. A bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself and Mr. PALLONE):

H.R. 4284. A bill to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia; to the Committee on Resources.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. PORTMAN, Mr. NEAL of Massachusetts, Mr. CAMP, Ms. DUNN of Washington, Mr. HERGER, Mr. BUNNING of Kentucky, Mr. LEVIN, Mr. THOMAS, Mr. HOUGHTON, Mr. HALL of Texas, Mr. KLECZKA, Mr. WATKINS, and Mr. ENSIGN):

H.R. 4285. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4286. A bill to amend the Federal Rules of Evidence to establish a parent-child privilege; to the Committee on the Judiciary.

By Mr. CANNON:

H.R. 4287. A bill to make technical corrections and minor adjustments to the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah; to the Committee on Resources.

By Mr. EWING:

H.R. 4288. A bill to establish the negotiating objectives of the United States with respect to the WTO Agreement on Agriculture, to establish criteria for the accession of state trading regimes to the WTO, and for other purposes; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 4289. A bill to provide for the purchase by the Secretary of the Interior of the Wilcox ranch in Eastern Utah for management as wildlife habitat; to the Committee on Resources.

By Mr. KENNEDY of Rhode Island (for himself and Mr. BLAGOJEVICH):

H.R. 4290. A bill to assist State and local governments in conducting community gun buy back programs; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself, Mrs. JOHNSON of Connecticut, Ms. NORTON, Mr. SMITH of New Jersey, Mr. BERMAN, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Ms. LOFGREN, and Mr. FOX of Pennsylvania):

H.R. 4291. A bill to amend the Immigration and Nationality Act to eliminate, for alien battered spouses and children, certain restrictions rendering them ineligible to apply for adjustment of status, suspension of deportation, and cancellation of removal, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON (for himself, Mr. BURTON of Indiana, Mr. PASCRELL, Mr. WATTS of Oklahoma, Mr. SALMON, Mr. SESSIONS, Mr. FORBES, Mr. ENGEL, Mr. HAYWORTH, Mr. FOX of Pennsylvania, Mr. FRELINGHUYSEN, Mr. PAPPAS, Mr. FRANKS of New Jersey, Mr. BOB SCHAFFER, Mr. SNOWBARGER, Mr. ROHRABACHER, Mr. EHRLICH, Mr. HORN, and Mr. LOBIONDO):

H.R. 4292. A bill to amend title 28, United States Code, to allow attachment of certain property of foreign states in execution of judgements for acts of terrorism; to the Committee on the Judiciary.

By Mr. WALSH (for himself, Mr. NEAL of Massachusetts, Mr. GILMAN, Mr. KING of New York, Mr. MANTON, Mr. SCHUMER, Mr. QUINN, Mrs. MALONEY of New York, Mr. FORBES, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mrs. KELLY, Mr. MCGOVERN, Mr. ENGLISH of Pennsylvania, Mr. BORSKI, Mr. CALLAHAN, Mr. ABERCROMBIE, Mr. LEWIS of California, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. MCDERMOTT, Mr. MARKEY, Mr. LANTOS, Mr. ENGEL, Mr. PAYNE, Mr. LAZIO of New York, Mr. PASTOR, Mrs. KENNELLY of Connecticut, Mr. MALONEY of Connecticut, and Mr. HORN):

H.R. 4293. A bill to establish a cultural and training program for disadvantaged individuals from Northern Ireland and the Republic of Ireland; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITE:

H.R. 4294. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide further for the acquisition and removal of the Elwha dam and acquisition of Glines Canyon dam and the restoration of the Elwha River ecosystem and native anadromous fisheries, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. PORTER, Mr. ROHRABACHER, Mr. ENGEL, Mr. OLVER, Mr. KING of New York, and Mr. MCGOVERN):

H. Con. Res. 304. Concurrent resolution expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes; to the Committee on International Relations.

By Mr. GOODLING (for himself, Mr. HOEKSTRA, Mr. NORWOOD, Mr. HILLEARY, Mr. BALLENGER, Mr. BOB SCHAFFER, and Mr. PARKER):

H. Res. 507. A resolution providing special investigative authority for the Committee on Education and the Workforce; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JOHNSON of Wisconsin introduced A bill (H.R. 4295) for the relief of Juan Antonio Manrique; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 457: Mr. ENGLISH of Pennsylvania.

H.R. 612: Mr. WATT of North Carolina and Mr. CRAPO.

H.R. 693: Mr. ROHRABACHER.

H.R. 836: Mr. DOYLE, Ms. LEE, and Mrs. BONO.

H.R. 922: Mr. SMITH of New Jersey and Mr. SALMON.

H.R. 923: Mr. SMITH of New Jersey and Mr. SALMON.

H.R. 979: Mr. GOODLING, Mrs. BONO, Mr. KIND of Wisconsin, Mr. PEASE, Mr. HINCHEY, and Ms. NORTON.

H.R. 1134: Mr. FILNER and Mr. PITTS.

H.R. 1234: Mr. BOUCHER.

H.R. 1321: Mr. LAFALCE.

H.R. 1378: Mr. SHAW.

H.R. 1401: Ms. CHRISTIAN-GREEN and Mr. GUTIERREZ.

H.R. 2021: Mr. COBURN and Mr. TOWNS.

H.R. 2070: Mr. SKEEN.

H.R. 2409: Mr. WISE and Mr. BERMAN.

H.R. 2588: Ms. ROYBAL-ALLARD and Mr. PETERSON of Minnesota.

H.R. 2714: Mr. DOYLE.

H.R. 2715: Mrs. BONO.

H.R. 2720: Mr. INGLIS of South Carolina.

H.R. 2840: Mr. MANZULLO and Mrs. EMERSON.

H.R. 2896: Ms. CHRISTIAN-GREEN.

H.R. 2912: Ms. CHRISTIAN-GREEN.

H.R. 2949: Mr. SNOWBARGER.

H.R. 2955: Mrs. MINK of Hawaii and Mr. SMITH of Michigan.

H.R. 2990: Mr. FARR of California, Mr. BARTON of Texas, Mr. RIGGS, Mr. PAXON, Mr. GOODLING, Mrs. BONO, Mr. BISHOP, and Mr. BOSWELL.

H.R. 2995: Mr. BROWN of California and Mr. MARTINEZ.

H.R. 3008: Mr. OBERSTAR.

H.R. 3048: Ms. CHRISTIAN-GREEN.

H.R. 3081: Mr. BROWN of Ohio, Mr. YATES, Mr. BROWN of California, Ms. CHRISTIAN-GREEN, Mr. BRADY of Pennsylvania, Mr. STOKES, Ms. WATERS, Mr. WYNN, Mr. POSHARD, and Mr. KILDEE.

H.R. 3125: Mr. KENNEDY of Massachusetts, Mrs. THURMAN, Mr. MCCOLLUM, Ms. PRYCE of Ohio, Ms. DANNER, Mr. WATT of North Carolina, Mrs. MEEK of Florida, Mr. DEUTSCH, and Mr. SABO.

H.R. 3127: Mr. GEJDENSON.

H.R. 3159: Mr. CANADY of Florida.

H.R. 3205: Ms. CHRISTIAN-GREEN.

H.R. 3230: Mrs. LINDA SMITH of Washington.

H.R. 3248: Mr. WHITFIELD.

H.R. 3279: Ms. CHRISTIAN-GREEN.

H.R. 3284: Mr. MINGE.

H.R. 3464: Mr. HINCHEY.

H.R. 3500: Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. THOMAS, Mr. NEAL of Massachusetts, Mr. SAM JOHNSON, and Mr. MCCRERY.

H.R. 3523: Mr. HILLIARD and Ms. WOOLSEY.

H.R. 3571: Ms. CHRISTIAN-GREEN.

H.R. 3577: Ms. CHRISTIAN-GREEN.

H.R. 3598: Mr. EDWARDS, Ms. ROYBAL-ALLARD, Mr. FAZIO of California, Mr. HEFNER, Mr. BONIOR, and Mr. MCGOVERN.

H.R. 3602: Mr. MCINTOSH.

H.R. 3608 Mr. HILLIARD.

H.R. 3636: Mr. CUMMINGS, Mr. FATTAH, Mr. GOODLING, and Mr. OBERSTAR.

H.R. 3641: Mrs. NORTHUP.

H.R. 3659: Mr. CONDIT, Mr. CANNON, Ms. WOOLSEY, Mr. GORDON, and Mr. GIBBONS.

H.R. 3785: Mr. TRAFICANT, Mr. TIAHRT, Mr. WELDON of Florida, Mr. CALVERT, and Mr. SAM JOHNSON.

H.R. 3803: Mr. REDMOND.

H.R. 3814: Mr. CALVERT, Mr. HINCHEY, Mr. WYNN, Mr. COOK, Mr. DELAHUNT, Mr. FILNER, Mr. MARTINEZ, Ms. DEGETTE, Mr. SHIMKUS, and Mr. RAHALL.

H.R. 3862: Mr. HILLIARD.

H.R. 3865: Mr. MARTINEZ, Mr. GILLMOR, Mr. SPRATT, Mr. ADERHOLT, Mr. WICKER, and Mr. BARCIA of Michigan.

H.R. 3895: Ms. CHRISTIAN-GREEN.

H.R. 3925: Ms. CHRISTIAN-GREEN and Mr. HILLIARD.

H.R. 4010: Mr. NETHERCUTT.

H.R. 4016: Ms. SLAUGHTER.

H.R. 4070: Mr. RODRIGUEZ.

H.R. 4151: Mr. WATTS of Oklahoma and Ms. RIVERS.

H.R. 4181: Mr. POSHARD and Mr. FROST.

H.R. 4204: Mr. HASTERT and Mr. RILEY.

H.R. 4213: Mr. HOBSON and Mr. FORBES.

H.R. 4217: Mr. HILL.

H.R. 4219: Mr. MORAN of Kansas.

H.R. 4220: Mr. ENGLISH of Pennsylvania.

H.R. 4232: Mr. WATTS of Oklahoma, Mr. HASTERT, Mrs. CHENOWETH, and Mr. NETHERCUTT.

H.R. 4235: Mr. ENGLISH of Pennsylvania, Mr. BONIOR, and Mr. MILLER of California.

H.R. 4240: Mr. ENGLISH of Pennsylvania, Mr. EHRLICH, Mr. HILLIARD, and Mr. SOLOMON.

H.R. 4250: Mr. COOKSEY and Mr. HORN.

H.R. 4251: Mr. COLLINS.

H.R. 4258: Mr. BUNNING of Kentucky, Mr. NUSSLE, Mrs. MYRICK, and Mr. ADAM SMITH of Washington.

H. Con. Res. 19: Mr. NADLER, Mr. BERMAN, Mr. EVANS, and Mrs. LOWEY.

H. Con. Res. 27: Mr. LAMPSON.

H. Con. Res. 52: Mr. HUTCHINSON, Mr. MENENDEZ, and Mr. STRICKLAND.

H. Con. Res. 80: Mrs. BONO.

H. Con. Res. 126: Mr. BOYD, Ms. RIVERS, Ms. SÁNCHEZ, and Mr. PALLONE.

H. Con. Res. 203: Mr. GOODLING and Mr. WHITFIELD.

H. Con. Res. 224: Mr. SHERMAN.

H. Con. Res. 273: Mr. PAUL.

H. Con. Res. 286: Ms. RIVERS, Mr. LUTHER, and Mr. BONIOR.

H. Con. Res. 299: Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. KNOLLENBERG, and Mr. RYUN.

H. Con. Res. 302: Mr. ROTHMAN and Mr. CRAMER.

H. Res. 362: Mr. SHERMAN.

H. Res. 415: Mr. BERMAN, Mr. JEFFERSON, and Mr. SHERMAN.

H. Res. 460: Mr. GREEN, Mr. FOSSELLA, Ms. SLAUGHTER, Mr. REYES, Mr. COOK, Mr. HOLDEN, Mr. DOOLEY of California, Mr. BLAGOJEVICH, Ms. CHRISTIAN-GREEN, Mr. WHITFIELD, and Ms. RIVERS.

H. Res. 479: Mrs. LOWEY and Mr. NADLER.

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. 1891: Mr. LEWIS of Georgia.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

68. The SPEAKER presented a petition of Gregory D. Watson of Austin, Texas, relative to protesting the cost-of-living adjustment increase in the compensation of Members of Congress which took effect in January 1998; to the Committee on House Oversight.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4193

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 19: Page 56, line 2, after "$156,167,000" insert "(increased by $5,300,000)".

Page 40, line 14, after "$37,304,000" insert "(decreased by $5,300,000)".

H.R. 4193

OFFERED BY: MR. GILCHREST

AMENDMENT NO. 20: Page 122, beginning on line 24, strike section 337 and insert the following new section:

SEC. 337. (a) FLOOD INSURANCE COVERAGE FOR CERTAIN STRUCTURES LOCATED IN COASTAL BARRIER RESOURCES SYSTEM.—Section 6 of the Coastal Barrier Resources Act (16 U.S.C. 3505) is amended by adding at the end the following new subsection:

"(e) PROVISION OF FLOOD INSURANCE COVERAGE FOR CERTAIN STRUCTURES IN SYSTEM UNITS.—Section 5 shall not apply to financial assistance in the form of flood insurance coverage provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) for a structure referred to in paragraph (2) (A) or (B), if—

"(1) a completed application for flood insurance coverage under that Act for that structure is submitted within the 1-year period beginning on the effective date of this subsection; and

"(2) the Director of the Federal Emergency Management Agency determines that construction of that structure was completed by not later than—

"(A) October 1, 1983, in the case of a structure located in System unit PO5, PO5A, P10, or P18; or

"(B) November 16, 1990, in the case of a structure located on lands added to System unit P11, P11A, or P25 on that date.".

(b) CONFORMING AMENDMENT.—Section 1321(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4028(a)) is amended in the first sentence by inserting before the period the following: ", except that this sentence does not prohibit the provision of flood insurance coverage if section 5 of the Coastal Barrier Resources Act does not apply to provision of that coverage by reason of section 6(e) of that Act.".

H.R. 4193

OFFERED BY: MR. GILCHREST

AMENDMENT NO. 21: Page 122, beginning on line 24, strike section 337.

H.R. 4193

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 22: Page 12, line 20, insert "(decreased by $18,000,000)" after the dollar figure.

Page 17, line 4, insert "(decreased by $9,200,000)" after the first dollar figure.

Page 89, line 11, insert "(increased by $25,200,000)" after the dollar figure.

H.R. 4193

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 23: Page 57, line 6, insert "(decreased by $62,850,000)" after "$271,440,000".

Page 69, line 15, insert "(increased by $62,850,000)" after "$320,558,000".

H.R. 4193

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 24: Page 19, line 7, insert after the dollar amount the following: "(increased by $30,000,000)".

Page 70, line 17, insert after the dollar amount "(reduced by $30,000,000)".

H.R. 4193

OFFERED BY: MR. REDMOND

AMENDMENT NO. 25: Insert after the final section the following:

SEC. ____. The amounts otherwise provided by this Act are revised by increasing the amount for "LAND ACQUISITION" under the heading "FOREST SERVICE" and reducing the amount for "GRANTS AND ADMINISTRATION" under the heading "NATIONAL ENDOWMENT FOR THE ARTS", by $25,000,000.

H.R. 4194

OFFERED BY: MR. RIGGS

AMENDMENT NO. 30: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds appropriated by this Act may be used to implement Chapter 12B of the Administrative Code of San Francisco, California.

H.R. 4276

OFFERED BY: MR. BARTLETT OF MARYLAND

AMENDMENT NO. 1: Page 78, strike line 15, and all that follows through line 6 on page 79.

H.R. 4276

OFFERED BY: MR. FOX

AMENDMENT NO. 2: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used by the Department of State or the United States Information Agency to provide equipment, technical support, training, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SENATE—*Tuesday, July 21, 1998*

The Senate met at 9 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:

Gracious Father, our morning prayer is like being amazed by deposits in our checking account from unexpected sources. We are astounded by Your goodness. You know what we will need for today and You deposit the required amounts of insight, discernment, and vision in our minds. You fill the wells of our hearts to overflowing with the added courage and determination that are necessary for the demands of today. Even now, we feel fresh strength as Your Spirit energizes our bodies. We should not be surprised. You have promised that, "As your days, so shall your strength be."—Deuteronomy 33:25.

Bless the women and men of this Senate and all who work with and for them that this will be a day in which we draw on Your limitless resources for dynamic leadership. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. BOND. Good morning, Mr. President.

SCHEDULE

Mr. BOND. Mr. President, this morning, there will be a period for the transaction of morning business until 10 a.m. Following morning business, the Senate will vote on the motion to invoke cloture on the legislative branch appropriations bill. After disposition of the legislative branch bill, the Senate will resume consideration of the Commerce-Justice-State appropriations bill. The majority leader has indicated that he is hopeful that Members will come to the floor during today's session to offer and debate amendments as the Senate attempts to make good progress on the Commerce-Justice-State bill. The Senate may also consider any other legislative or executive items that may be cleared for action.

ORDER FOR RECESS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. to allow the weekly party caucuses to meet.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Seeing no other Members wishing to speak, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business.

Mr. REED. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes of the time allocated to Senator DORGAN.

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

Mr. REED. Thank you, Mr. President.

NOMINATION OF JAMES HORMEL

Mr. REED. Mr. President, I rise this morning to speak briefly on the nomination of Mr. James Hormel to be the United States Ambassador to Luxembourg.

Mr. Hormel has a distinguished record as a businessperson, as a lawyer, as a former dean of the University of Chicago Law School, and as a philanthropist. His family owns one of the largest agriculture companies in our country.

He has, throughout his distinguished career, been a contributor and supporter of many worthy organizations. His philanthropy is well known throughout the United States. He has contributed significantly to the Catholic Youth Organization, to the United Negro College Fund, Swarthmore College, Breast Cancer Action, and to many, many other associations. He has also served as the alternate representative to the United Nations General Assembly on behalf of our country, the United States of America.

Mr. Hormel's nomination was favorably reported out by the Committee on Foreign Relations and is widely supported here in the U.S. Senate.

Indeed, hundreds of distinguished Americans have favorably commented on his nomination, and they have stated that Mr. Hormel has the ability and skills to successfully represent the United States in Luxembourg.

Now, there are many who are watching this proceeding who would ask, given all these qualifications, why would Mr. Hormel be denied a vote on his nomination to be Ambassador to Luxembourg? The simple answer comes down to the fact of Mr. Hormel's sexual orientation.

There are many—the vast majority of Americans and the vast majority of Senators—who feel that this is irrelevant to the duties that he will perform as Ambassador to Luxembourg, and we should look not to his sexual orientation, but to his record of achievement and to his ability and to his responsibilities throughout his career in terms of advancing not his personal agenda, but in fact serving well both the institutions he represented, such as the University of Chicago, and many, many philanthropic activities which he has been involved in.

But there are some in this Chamber who I fear would rather not have an Ambassador, but would rather have a political issue. My preference is to have an Ambassador serving the United States with distinction in Luxembourg. And I believe Mr. Hormel will do that.

Mr. President, the Providence Journal newspaper in my home State of Rhode Island put it best when they headlined the editorial by simply saying "Vote on Hormel."

Mr. Hormel does not want this ambassadorship as a pulpit to advance any agenda. What he wants to do is represent our country with distinction and great diligence. I believe he will do that.

In his own words, in a letter to Senator GORDON SMITH, our colleague, he said:

> I will not use, nor do I think it appropriate to use, the office of ambassador to advocate any personal views I may hold on any issue. . . . I assure you that my public positions will be those of the U.S. Government.

I believe that however one feels about Mr. Hormel's qualifications, this institution deserves to give him a vote, to give him an opportunity to have his case decided openly here on the floor of this Chamber, allowing individual Senators to make whatever point they may choose to make about his qualifications, about his potential to serve. But to deny him his vote, I think, is to deny not only one individual but this country the opportunity to make a decision about his qualifications to serve.

I hope that we can quickly bring his nomination to the floor for a vote and then let the will of the majority prevail. I believe it is wrong and unfortunate that we retain this nomination and not allow it to come to the floor

for the vote. I hope in the days ahead we will vote on Mr. Hormel and we will vote favorably.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent to be permitted to yield myself 10 minutes of the time of Senator DORGAN.

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

PATIENTS' BILL OF RIGHTS

Mr. KERRY. Mr. President, countless Americans have come to understand that the health care system in this country is in a total state of disarray, if not crisis. It is a crisis of confidence. It is a crisis of coverage, bought and paid for with hard-earned dollars from our fellow taxpayers, but a coverage that seems to disappear when you need it the most.

Our fellow citizens no longer believe that their insurance companies are prepared to provide them with the quality of service or the choice of doctors that they were promised or that they paid for with their premiums. Some health insurers have put saving costs way ahead of the prospect of saving lives.

I think most people in the Senate have come to understand the nature of this crisis. The impact of the decisions of the insurance companies in countless stories across America and across my State of Massachusetts is immeasurable. Americans are suffering because the system puts the choices of the insurance company administrator far ahead of the choice of a doctor.

The story of Ellen O'Malley, a mother of two, from Canton, MA, underscores the full measure of the problem that we face today. Ellen passed away in the summer of 1994, a victim of breast cancer at the age of 38. Her husband, Steve, a schoolteacher in Canton, and her two daughters, could tell anybody in the Senate about the trouble that people face today as a result of the way in which choices are made for the delivery of health care. They could also tell you about the struggle of what it is like to live without a mother and wife. I think all of us understand that happens and that there are sometimes unavoidable consequences of some diseases. But clearly there are totally avoidable consequences of what kind of care is delivered to somebody in the course of an illness.

The O'Malley family's story is even more tragic than the loss of Ellen because they would tell every Senator about the new language that they learned, the experience that they went through, as a consequence of her illness—a vocabulary of the HMOs. Ellen O'Malley should not have had to spend her last year of life jumping through bureaucratic hoops just to get treatment for breast cancer. She shouldn't have had to be shuttled around the city of Boston from one hospital to another hospital, from one doctor to another doctor, because an HMO refused to take the word of her own family doctor or her oncologist. Ellen O'Malley was very, very brave in facing the struggle with a killer disease. She should not have been asked to be brave in facing a different struggle with the bureaucracy.

The simple fact is that health insurers should not make the decisions that are fundamentally the decision of a doctor or a trained health care professional. The truth is that in times of family crisis, people should not have to worry about whether or not a bureaucrat is going to allow them to be able to see a doctor in whom they have placed trust. That is precisely the kind of turmoil that Ellen O'Malley suffered every single day of her illness.

Steve O'Malley remembers his wife hearing the promises from their HMO when they were signing up, promising that she would undergo care with her doctor, Dr. Erban, who had treated her for the past 10 years, and the promise that she would be able to continue to be treated at the New England Medical Center.

But the O'Malleys found that when push came to shove, when it came time for the promise to be delivered on, the promise disappeared. Steve O'Malley knows full well about an HMO that sent Ellen all over the city, to one hospital for a mammogram, to another hospital for a biopsy, and to still another hospital for treatment. Steve O'Malley remembers hours spent painstakingly writing lengthy appeal letters to the HMO, begging them to reconsider their decisions. He also remembers what it felt like to receive a 5-line form letter rejecting his wife's appeal.

Steve would tell you that the personal and painful decisions for his family were merely business decisions for the HMO, and that is unacceptable. It is unacceptable for the O'Malleys, as Steve remembers his late wife saying, "HMOs are great unless you're sick. They're fine if you have a cold, get the flu, break your arm, or stub your toe, but they are not fine if you're dying."

Steve and Ellen O'Malley and their two daughter suffered an enormous personal tragedy when breast cancer dashed their hopes and dreams for the future. I believe they should have been able, as a family, to endure that tragedy secure in the knowledge that Ellen could make her medical decisions side by side with the doctor she trusted—not a bureaucrat who never went to medical school and, more importantly, never knew Ellen O'Malley.

I believe that no HMO should rob a family of peace of mind in times of crisis. HMOs should be more than organizations that are great unless you are sick. For every person who buys into an insurance program, there ought to be the confidence that the coverage that you buy is the coverage that you will get. That is why we have proposed the Patients' Bill of Rights. We recognize we have built a system that currently puts paperwork ahead of patients and ignores the real life-and-death decisions being made in our health care system. We have to do better.

All across Massachusetts, I hear from people who are angry at how hard it is to find the health care that they believe they have purchased. And they are frustrated with policies that say that our elderly can't go to the doctor of their choice. They are convinced their HMOs don't give them straight answers about their coverage, and working families across the country believe it is time to take decisions out of the hands of the insurance companies and put them back with patients and doctors where they belong.

The U.S. Senate should agree with them. I believe it is vital for us to take up and pass meaningful patient protections now, in this Congress. There are judges all across the country who have watched in their courts as patients and families, victimized by HMOs, come before them, to beg for restitution, for a fair shake in getting the health care they were promised in the terms of the policy that they purchased. Those judges were helpless because they didn't write the laws that limit the ability of working families to appeal the decisions by HMOs.

In Boston, we have a U.S. district judge, William Young, a Reagan appointee to the bench, who ruled on an HMO case not very long ago.

Judge Young knew the law and he knew that insurers could, in our current structure, put paperwork and profit ahead of patients. He knew he could send a message to those of us who write the laws in this country. That is why he wrote in his highly publicized decision in Clarke v. Baldplate Hospital that "while the insurer's conduct is extraordinarily troubling, even more disturbing to the court is the failure of Congress to amend the laws." Judge Young was challenging us to act on behalf of hundreds of thousands of families left unprotected today. He had never met Ellen O'Malley, but he challenged the Congress of the United States to stand up for her.

Mr. President, we have the Patients' Bill of Rights, S. 1890, which would prevent senseless tragedies in the health care system from happening. Under our plan, Ellen O'Malley would have been able to immediately appeal her insurer's rejection of her doctor's prescribed treatment. Under our plan, the decision of Ellen O'Malley's doctors would have come first in the insurer's decisions. There is little, obviously, we can do for the O'Malley family, except to perhaps in her memory pass a bill that will change the way in which all of

these choices are made in the future. We could pass a Patients' Bill of Rights. The clock is ticking. I hope this Congress will do so in the next days.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Missouri is recognized.

Under the previous order, there are 22 minutes remaining on the time that was equally divided by a previous order.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that we be able to speak until 10 o'clock on the issue of the marriage penalty.

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

ELIMINATION OF THE MARRIAGE PENALTY

Mr. ASHCROFT. Mr. President, we are here this morning—myself and several other Senators—because the American people should experience a tax cut before Congress gets its funding for the year.

We are here this morning to oppose cloture on the legislative branch appropriations bill. On Friday, Senator BROWNBACK of Kansas, and I attempted to enter into an agreement to offer the marriage penalty elimination amendment to the legislative appropriations measure.

Marriage penalty elimination means that we simply want to stop penalizing people, tax-wise, because they are married. A cloture motion was filed because the Democrats would not allow us to offer that amendment to this bill. Therefore, a vote against cloture is a vote for eliminating the marriage penalty tax. If we are not going to be able to offer this amendment to the bill, we will be back on other pieces of legislation, because this issue of providing equity to people who are married, and returning the hard-earned money of American taxpayers is too important to ignore.

In 1948, President Harry Truman called the Republicans in Washington a "do-nothing Congress." Now the President and Senate Democrats are resurrecting Truman's phrase. I don't worry about being called a "do-nothing Congress." We have done plenty of things. But if we tried to do nothing about taxes, that label just might stick.

Last April, a group of like-minded Senators and I stated our intentions to oppose the Senate budget resolution unless meaningful tax cuts were included. We were promised that eliminating the marriage penalty would be the Senate's top tax priority for 1998. Mr. President, today, the 21st day of July, there are less than 40 legislative days left in this session of the Congress; yet, we are no closer to giving the American people the tax cuts than we were 3 months ago.

We stand here in mid- to late-July with the real possibility that Congress will not pass a budget reconciliation and will not deliver on the tax cut promise that was made to the American people. I think we ought to put this into context. This isn't a situation where cutting taxes would be a strain or be difficult. To add insult to injury, last week the Congressional Budget Office indicated that there would be $520 billion of surplus over the next 5 years. Now, the $520 billion of surplus over the next 5 years would be $63 billion of surplus in this year alone.

We have not asked for the Moon. We have asked for a modest opportunity to cut and eliminate the marriage penalty. It would not take $520 billion. It would not take $420 billion. It would not take $320 billion. It would not take $220 billion. It would take about $1 out of every $5 that is to be provided in surplus, according to the Congressional Budget Office. So we are just asking that the American people have the opportunity to have, in return, $1 out of every $5 of surplus. This isn't asking that we have massive, Draconian cuts, or that we displace some Government program—although there are plenty of Government programs I would be happy to seek to displace. We are merely saying that, over the course of the next 5 years, some fraction—a minority fraction, as a matter of fact, not the major portion of it—of this rather substantial surplus be devoted to providing equity on the part of our taxation program, which is an insult to the values of America. I don't know of anyplace in the country you could go, or any group of individuals you could talk to that would not tell you that the families of America are simply fundamental, that if we have strong families in the next century, we are very likely to have a strong country. If we don't have strong families, it is going to be very difficult for our country to survive.

I believe that when moms and dads, as families, do their job, governing America is easy. If moms and dads can't do their jobs, if we pull the rug out from under families and make it tough for them, governing America could well be impossible. The truth of the matter is that families mean more to America than Government means to America, because the fundamental restraints of a culture, the values and precepts, are taught in families.

Government can try to do all those things. We have tried to replace families with Government before. The tremendous failure of the social experiment called the "Great Society" of the 1960s and 1970s told us that checks and Government programs weren't substitutes for moms and dads. They didn't work. What we need to do is make it possible for the culture to survive and to thrive, for the culture to prevail and to stop penalizing the most important institution in the culture—the family. Durable marriages and strong families are absolutely necessary if we are to succeed in the 21st century.

Starting in the sixties is when the marriage penalty became prevalent. For about 30 years, we have systematically penalized millions of people. The truth of the matter is that there are 21 million couples—about 42 million taxpayers—who collectively have paid $29 billion. It is so easy to forget how much money a billion dollars is. A billion dollars is a thousand millions. Now, these 42 million taxpayers have collectively paid "29-thousand-million-dollars" more than they would have paid had they been single. That is an average marriage penalty of about $1,400 per family. Think of that. We go into a family and, simply because the mom and dad happen to be married instead of single, we take $1,400 off their table; we take $1,400 out of that family's budget. These are not pretax dollars, these are aftertax dollars. It would go right to the bottom line.

Think of what a family could do with an extra $130 or $125 a month. Think of what it means to the family, the capacity of that family to fend for itself and to be able to survive as a family. We are attacking that family. The policy of America is attacking the principles of the American people. And it's easy. We can do it. CBO has told us that we are going to have five times as much money, or four times as much—a lot more money—well, $520 billion extra. We said we have to have a minimum $101 billion to begin this relief. That is five times as much as we have asked for. Yet, we are so focused on providing for the Congress, so focused on providing for the legislative branch, and we are ignoring the people of America. The families of America are more important than the legislative branch of Government.

As much as I think our country needs the House and Senate, why we should provide all the funding the House and Senate need and not provide any of the relief that we have promised to the American family, why we should continue to attack the American family, is beyond me. Discriminating against Americans who wish to engage in marriage is—well, it is just against everything we stand for.

The penalizing of income at the median- and lower-income levels is greatest for married households with dependent children. The obligation to file a combined income means that the one spouse working to earn the second half of the income is working largely to feed Government coffers. Often the couple would pay a lower percentage of their income to the Government if one of its spouses was not employed outside the home. The marriage penalty is a grossly unfair assault on the bedrock of our civilization—married couples.

Does the Tax Code really influence people's moral decisions to prevent couples from getting married? Unfortunately, there are individuals who simply have gotten divorced, set aside their marriages, in order to avoid the penalty that we impose for being married. Some couples even divorce and remarry to avoid paying the penalty.

The Senator from Kansas brought up an example last week of two economists who divorce and remarry every year to avoid paying the higher taxes. The facts point to tragic instances of where couples simply cannot afford to get married because the Government is going to charge them $1,400 for the privilege of being married. Sharon Mallory and Darryl Pierce of Connorsville, IN, were ready to get married when they learned from their accountant that it would cost them $3,700 more a year. The amount results from the forfeiting of a tax refund check of $900 and an additional $2,700 to be owed to the IRS as a married couple. A growing number of married couples are in a similar position according to a recent study by the nonpartisan Congressional Budget Office.

(Mr. SMITH of Oregon assumed the Chair.)

Mr. ASHCROFT. Now, the incentive effects of the current Tax Code were not intentional. I have to say this. I do not believe that the Congress ever set out——

Mr. BROWNBACK. Mr. President, will my colleague from Missouri yield for a question?

Mr. ASHCROFT. I would be most pleased to yield for a question from my colleague from Kansas.

Mr. BROWNBACK. Last week when we put forward this notion of doing away with the marriage penalty, one of my Democrat colleagues said, "I would be willing to do that if you offset it by doing away with the marriage bonus." He raised the question of the marriage bonus in the Tax Code. I told him I am not about raising taxes. But I wonder if the Senator has thought about this issue. Is there a marriage bonus that is in the Tax Code? Is that something that should be addressed?

Mr. ASHCROFT. Our Tax Code has and still operates in some instances to allow combining, by having a joint return, combined return, to have a lower tax for married people, and that really results from the conscious decision we make to recognize the value to our culture of a stay-at-home spouse. It focuses attention on the children and says we ought to give some benefit taxwise for doing that. And you do that by allowing the spouse who works to attribute some income to the stay-at-home spouse.

I don't think there are very many of us who are married who, when one or the other has had to stay at home, doesn't realize that the one who focuses on the homeplace and undertakes that responsibility is really responsible for income and is responsible for the benefit of the family.

I believe that the ability to split the income so that you get to the lowest tax bracket is something that should be provided to everybody in marriage. I wouldn't call it a bonus as if it were giving something out. It is a recognition of the value of the spouse who stays at home and the contribution that spouse makes, not only to the marriage and to the family but the contribution they make to the country.

Most of the data we are seeing now about children—and I am sure my friend from Kansas agrees with this data and has witnessed the articles and all the expounding—indicate that when one of the spouses can stay at home and spend a lot of time with the children, it is a big investment in the children and it results in children having lower incidences of bad health and lower incidences of school failure, dropout, lower incidences of juvenile delinquency and all. So that kind of attention from the family really is a social benefit to the entire culture, because if there are fewer dropouts, it means that your education system works better; if there is better health, it means the cost of the benefits of the health providers are lower; and if there is lower juvenile delinquency, it certainly means we benefit.

Mr. BROWNBACK. If my colleague will yield for another question, it seems the bonus is to America; it is not necessarily to the married couple that we are talking about in this.

The other thing I would ask my colleague about is, the marriage penalty that we are talking about affects nearly 21 million American families, most of them young, starting families. These are all families that make between $20,000 and $70,000 a year. They are two-wage-earner families. So you are really talking about that group of young Americans just getting started, both working, both struggling, both trying to make this family go, and we actually penalize them on an average of $1,400 per year. My colleague is familiar with that. Also, this is a relatively new tax. We have only put it on since 1969. That was the year of Woodstock. I don't know if there is a significance to any of that, but perhaps this is now the time that we should get away from that sort of penalty.

I just was curious; I know my colleague knows of those statistics and the importance of trying to help those struggling young families that are just now getting a foundation started for their families.

Mr. ASHCROFT. I am aware of that. I thank the Senator from Kansas for the question. I am desperately aware of it. This is the time when the stress on families is the hardest. If you look at the things that break up families, if you go to data that tells us whether or not a family is going to make it past the threshold and be able to persist as a strong family with the kind of durability that has the capacity to really help our culture with the lasting relationships of support that families bring, one of the biggest items is financial problems.

So here we have tender families at the very beginning, when they are struggling, they have kids, they are torn between responsibilities at the homeplace and the workplace, and what do we do? Instead of easing that financial burden, we zero in. It is almost like these families are staggering under the load they are bearing, because children are expensive, we know that—it costs a lot of money to clothe them, feed them, provide for them —and as they are struggling under that load, we come in and take another $1,400 a year off their table, out of their budgets, out of their capacity to provide for their children.

It is an anomaly. It certainly wasn't something that I think the Congress ever intended. I have absolutely every faith the Congress of the United States did not intend to hurt families with the Tax Code. But it has kind of grown this way, and here is where we are. The question is not what we intended. The question is what we are going to do about this. Are we going to, at a time of $520 billion of surplus, decide we would rather feed the bureaucracy than relieve the families of America of this burden? That is plain and simple. Are we going to have new programs and more Government or are we going to have stronger families with less tax burden?

Mr. BROWNBACK. If my colleague will yield, I would also note the individuals who have contacted various offices around here signing on to this very issue. This is a lady from Indiana who said this:

> I can't tell you how disgusted we both are over this tax issue. If we get married, not only would I forfeit my $900 refund check, we would be writing a check to the IRS for $2,800. Darryl and I would very much like to be married, and I must say it broke our hearts when we found out we can't afford to get married.

This is from Indiana.

This gentleman from Ohio said:

> I have been engaged to be married. My fiancee and I have discussed the fact we will be penalized financially. We have postponed the date of our marriage in order to save up and have a running start in part because of this nasty unfair tax structure.

Those are just two. And I have a number of other letters of people saying: "What is this? You guys are talking about family values and you penalize us for getting married." And particularly the youngest couples just getting started.

All we are asking for today is to let us vote on this issue, and we are being blocked. I am asking people not to vote

for this cloture motion, in order that we can vote to do away with this extraordinarily bad tax that is taxing those fundamental family-building units, the marriage institution that we need so much to be so much stronger.

Mr. ASHCROFT. I have to answer the question of the Senator from Kansas in the affirmative. I understand that. I am aware of it, and I really think that we have a chance to say to the American people: Look, we want to give you a wedding present. We would like to say to you that we are no longer going to make it tough on you if you do the most important thing to sustain this culture in the time to come.

I am a little distressed that this body does not want to let us confront that issue—I mean, there are Members of the body who do not—and that cloture would keep us from being able to make a priority the well-being of America's families, so we do not take care of ourselves in the legislative appropriations bill and ignore the families of America with the elimination of the marriage penalty tax. I hope Members of this body will vote against cloture. Let us vote so we have the possibility of addressing the needs of American families.

I, for one, commend the Senator from Kansas for his outstanding effort in this respect. At some point we simply have to stop business as usual, continuing to tax these families, taking an average of $1,400 a year off their tables, out of their budgets. When they sit down to figure out, "What can we spend this year," $1,400 is more than a vacation. Lots of families can take a little time off. But it may be school books, it may be school clothing, it may have to do with whether they can—well, I am sure there are many things that individuals look at, for $1,400 a year.

It is time for us simply to say: Before we continue to balloon Government, before we consume this $520 billion surplus, before we rush to governmentalize that, we should say at least some portion of this, a modest portion, far less than half, far less than a third, could sustain total relief for America's families by eliminating the marriage penalty—and it ought to be done. It should provide individuals the opportunity to say, "We will be married, we will have durable families," and it should stop taking from families who are staggering under the tax load, it should stop those families from being further injured when the Government comes and says, "We simply think we are more important than you are," especially as it relates to the surplus money that is supposed to be here—as a result of the hard work of the American people. I started to say this money is coming as a result of the Congressional Budget Office's estimation. What arrogance that would be. We do not bring money to Washington. Money comes to Washington because people work hard, because they are entrepreneurs, because they get up early and stay up late—take care of their kids.

I thank the Senator from Kansas. I know there are others here wishing to speak. I just say eliminating the marriage penalty is important to the future of the United States of America. We should vote against cloture because we need to have the opportunity to provide this relief to America's families.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise this morning to support, in a small way, the efforts of my colleagues from Kansas and from Missouri, talking about how to abolish the marriage penalty and help instill American values into the U.S. Tax Code. I applaud them for their continual efforts to bring this issue to the floor, to continue to talk about the need for us to take a very hard look at this and hopefully create the means of eliminating this very unfair tax on American families.

Since the founding days of this Nation, the family has always been considered to be the bedrock of American society, the first unit of Government. Strong families make strong communities, and strong communities are what has made a strong America. For generations, our ancestors built this country on that very foundation, and the Government respected that tradition by ensuring that its laws did not usurp the family role.

Then how do we explain the existence of the marriage penalty, a piece of Government tax trickery that actually penalizes couples who choose to commit to a family through marriage? Let me read to you, this morning, from a study of the marriage penalty prepared by the National Center for Policy Analysis.

> Prior to 1948, the Tax Code made no distinction between married couples and individuals. In that year, Congress changed the law to allow income splitting. In effect, couples were taxed like two single taxpayers even if only one had earned income. The result was to sharply lower taxes for married couples. In short, a de facto subsidy for marriage was created.
>
> By 1969, the magnitude of this subsidy had grown to such an extent that it was possible for a single person to pay 40 percent more in taxes than a married couple with the same income.
>
> This led Congress to create, for married and unmarried people, separate tax schedules [that were] designed to reduce the subsidy to no more than 20 percent.
>
> An unintended consequence of the 1969 law change was to create a marriage penalty for the first time.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAMS. Go ahead.

Mr. DURBIN. It is my understanding that there are more couples who benefit from the Tax Code when they get married than those who are penalized, is that correct?

Mr. GRAMS. I am not sure, but when you look at couples across the country who are unfairly paying $29 billion or 21 million couples across the country who are unfairly paying about $29 billion a year in taxes—if there are some discrepancies, we should look at all of it. But what we should not do is penalize those families who are paying an average of $1,400 a year more, just because of the way the codes are set up.

Mr. DURBIN. So, let me ask the Senator a question. If the code, in fact, benefits more families who get married—in other words, their taxes go down—than those who are penalized by getting married, the Senator from Minnesota is not suggesting that we want to change the code and make it so that it will be the opposite, is he?

Mr. GRAMS. No, I am not. What I want to do is reduce the tax burden on families all across the board, but to start right away with what is the most unfair tax.

Mr. DURBIN. I say to the Senator, I certainly support that. I think we did vote—did we not vote on this when it came to the tobacco legislation? Didn't Senator GRAMM, from Texas, offer an amendment on this marriage penalty?

Mr. GRAMS. Yes, it did pass.

Mr. DURBIN. It did pass. And we have already had a vote on this question. And that became one of the burdens carried by the tobacco bill, if I am not mistaken, was it not?

Mr. GRAMS. That was part of that legislation.

Mr. DURBIN. I would just say to the Senator as well, that I have listened carefully to the speeches and I marvel at the suggestion that there are people who are so much in love and ready to get married, and next check that with accountants and decide not to. I haven't run into those folks, but I am sure there are some out there like them. But I thank the Senator.

Mr. GRAMS. When my colleague says he hasn't run into those folks, I have, and I concur with what the other Senators said, that they have. I have had a number of couples come up to me, whether at airports or at meetings or at other times, and tell me exactly the same thing the other Senators have said. They have actually planned around this, whether they have delayed the marriage for a year—I even had one elderly gentleman tell me he called his wife from the accountant, he was 79 years old, and he said to his wife, "I think we need to get a divorce." She was kind of shocked by it and she said, "Why?" And he said, "Because we would be much better off if we were filing single." And then he went through the explanation.

So this is not something that has gone by Americans, and especially families, and especially dual-income families. So I think there are many out

there who are aware of this. When it comes to a difference of $3,500 a year, for those first years I think a lot of families are thinking very strongly about it.

But just briefly, I want to wrap this up and give a couple of minutes to my other colleagues here. But I just think, when we look at the numbers, Washington created this "unintended consequence" within the Tax Code, that, as I mentioned, penalized some 21 million American couples to a tune of about $29 billion a year. I remember President Clinton saying at a news conference not too long ago that he agreed this was an unfair tax, but he also had to put in a qualifier, "But Washington cannot do without money. This $29 billion is too important for Washington to give up." In other words, we are willing, bottom line, to impose an unfair tax on many of our American families just so Washington can have a few additional dollars—if you count $29 billion as a few additional dollars—to have that at the end of the year.

According to the CBO, couples at the bottom end of the income scale who incur penalties paid in, on an average, nearly $800. When we talk about low income and we want go give them a tax break—they paid an additional $800 in taxes. That represented about 8 percent of their income. Repeal the penalty and those low-income families will immediately receive an 8-percent increase in their income.

So my constituents have been very clear on this issue. As I mentioned, many have come and talked to me. Many have written letters. One wrote:

> This tax clearly penalizes those who marry and are trying to possibly raise a family by working two jobs just to make ends meet. Our tax laws need to give the proper incentives encouraging marriage and upholding its sacred institutions.

Mr. President, I couldn't agree more.

Also, we began to add some real reform last year with the passage of a $500-per-child tax credit. It is a small step, but in the right direction. This Congress should do everything in its power to promote family life, to return the family to its rightful place as the center of American society. Whether lawmakers intended it or not, Congress created the marriage penalty and it rests on Congress to take it back.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas?

Mr. BROWNBACK. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Kansas has 57 seconds.

Mr. BROWNBACK. I want to explain to Members what is taking place here. Yesterday I filed an amendment to the legislative appropriations bill that would eliminate the marriage penalty we have been talking about this morning. My amendment, which is being cosponsored by several Senators, would reinstate income splitting and provide married couples who currently labor under this Tax Code with some relief. I tried to offer my amendment last Friday with spending legislation that was originally supposed to be debated. However, because of objections from the Democrat side of the aisle to the unanimous consent request that would have guaranteed a vote on eliminating the marriage penalty, we have not been able to get a vote on the elimination of the marriage penalty.

Later in the day, another UC was propounded that would have allowed the Senate to move forward with the legislative branch appropriations bill but without my amendment, and to that UC I objected. Subsequently, the cloture motion was filed to bring debate about tax relief to a close and move forward with this legislation.

I am asking my colleagues today to vote against this cloture motion so we can consider the marriage penalty that is being objected to by my colleagues on the other side of the aisle. Thank you, Mr. President.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The Senate will now resume consideration of the Legislative Branch Appropriations bill, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

> McCain amendment No. 3225, to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

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 the legislative appropriations bill:
>
> Trent Lott, Robert F. Bennett, Ted Stevens, Don Nickles, Bill Frist, Jesse Helms, Pete Domenici, Richard Shelby, Rod Grams, Kit Bond, Thomas A. Daschle, Orrin G. Hatch, Larry Craig, Strom Thurmond, Paul Coverdell, and Chuck Hagel.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 4112, the legislative branch appropriations bill, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The yeas and nays resulted—yeas 83, nays 16, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—83

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Bryan	Gregg	Reed
Bumpers	Hagel	Reid
Burns	Harkin	Robb
Byrd	Hatch	Roberts
Chafee	Hollings	Rockefeller
Cleland	Hutchison	Roth
Cochran	Inouye	Santorum
Collins	Jeffords	Sarbanes
Conrad	Johnson	Shelby
Coverdell	Kennedy	Smith (OR)
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
Dodd	Landrieu	Thomas
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Warner
Enzi	Lieberman	Wyden
Feingold	Lott	

NAYS—16

Allard	Faircloth	Sessions
Ashcroft	Helms	Smith (NH)
Brownback	Hutchinson	Thompson
Campbell	Kempthorne	Wellstone
Coats	Kyl	
DeWine	McCain	

NOT VOTING—1

Inhofe

The PRESIDING OFFICER. On this vote the yeas are 83, the nays are 16.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 3225

The PRESIDING OFFICER. The pending business is amendment No. 3225 by the Senator from Arizona, Senator McCain.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

POINT OF ORDER

Mr. BENNETT. Mr. President, I raise a point of order that the pending McCain amendment is not germane post-cloture.

The PRESIDING OFFICER. The amendment proposes new subject matter not dealt with in the underlying

bill and therefore is not germane and falls for that reason.

Mr. BENNETT. Mr. President, I know of no further amendments or debate at this time. I ask the Chair to put the question before the Senate, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

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

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma, [Mr. INHOFE], is necessarily absent.

The result was announced—yeas 90, nays 9, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—90

Abraham	Ford	Mack
Akaka	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Grams	Moynihan
Boxer	Grassley	Murkowski
Breaux	Gregg	Murray
Bryan	Hagel	Nickles
Bumpers	Harkin	Reed
Burns	Hatch	Reid
Byrd	Helms	Robb
Campbell	Hollings	Roberts
Chafee	Hutchinson	Rockefeller
Cleland	Hutchison	Roth
Coats	Inouye	Santorum
Cochran	Jeffords	Sarbanes
Collins	Johnson	Sessions
Conrad	Kempthorne	Shelby
Coverdell	Kennedy	Smith (OR)
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Landrieu	Thomas
Dodd	Lautenberg	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Torricelli
Durbin	Lieberman	Warner
Enzi	Lott	Wellstone
Feinstein	Lugar	Wyden

NAYS—9

Allard	Brownback	Gramm
Ashcroft	Faircloth	Kyl
Baucus	Feingold	Smith (NH)

NOT VOTING—1

Inhofe

The bill (H.R. 4112), as amended, was passed.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

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

Mr. HELMS. Mr. President, are we now in morning business?

The PRESIDING OFFICER. No. The Senator needs to make that request, if he wishes.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent that we now begin a period for morning business to be concluded at 12 o'clock noon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that I be recognized for no more than 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

CREDIT UNION MEMBERSHIP ACCESS ACT

Mr. HELMS. Mr. President, I have asked for this time this morning because this is the last week I will be here for a while. As of a week from today, I will have traded in my 1921 knees for some 1998 models. And during the time that I will be absent, the credit union issue will come up before the Senate. Now, I could duck the issue and probably make out all right, but I do not operate that way, and I feel I should not merely lay out for the record my views about this piece of legislation, but I should speak them publicly so that they can be known.

Mr. President, I suspect that most, if not all, Senators will agree that a certain type of democracy has, without question, been at work in terms of the astounding number of postcards and letters, faxes, telephone calls, et cetera, et cetera, et cetera, from representatives of the credit union industry at all levels. It would be an understatement, in fact, to describe the deluge as merely an impressive campaign. It is far more than that.

I have been around this place for quite a while, and I have spent many hours meeting with citizens on both sides of the credit union legislation that the Senate will shortly consider. I have seen North Carolinians who support H.R. 1151, the Credit Union Membership Access Act, and I have seen and visited with North Carolinians who are opposed to it.

In any case, the supporters of this bill are an important segment of our community. Credit unions provide basic, efficient, and affordable financial services. And I have to say for the record that North Carolina's credit unions do good work in providing for the needs of countless of their fellow hard-working Tar Heels.

Mr. President, it may be of interest to Senators from other States that this debate began in Randolph County, NC, which is the home of Richard Petty. And anybody who does not know who Richard Petty is, see me after I finish these remarks and I will fill them in on who Richard Petty is.

In February of this year, after a 7-year court battle, the Supreme Court handed down its decision on the case titled National Credit Union Administration v. First National Bank & Trust Co., which was a lawsuit involving several North Carolina financial institutions.

It may be that a bit of history will be useful at this point. Credit unions, as clarified in the preamble of the Federal Credit Union Act of 1934, were created by Congress "to make more available to people of small means credit for provident purposes."

In order to serve these individuals of "small means," credit unions were awarded back then specific benefits that others did not have in connection with their carrying out a clearly defined purpose, which was to provide essential basic financial services.

Now then, these benefits, including exemptions from Federal taxes and the extraordinarily burdensome Community Reinvestment Act, CRA, as it is known around this place—have enabled the credit union industry to serve their customers with a marketplace advantage—very clearly an advantage—not allowed to other insured depository competitors which must pay taxes and which must abide by complex Federal regulations, which credit unions do not have to do.

In the early 1980s, the National Credit Union Administration used its regulatory power for significant alteration and expansion of the original intent of the Federal Credit Union Act.

Specifically, in 1982, the NCUA allowed credit unions to expand their memberships to include multiple employer groups, an action which effectively eliminated the meaning of the common bond. This, in fact, was the precise holding of the Supreme Court's February 1998 decision.

When this debate started, some shrewd Washington lobbyists—and that is about the best I can describe them—these lobbyists circulated the notion that the Supreme Court's intent was—now get this, Mr. President—the intent of the Supreme Court, they said, was to kick people out of their credit unions.

But what happened? Credit union members promptly began calling and writing to me, and all other Senators, I am sure, pleading with us to protect their right to remain members of their credit unions.

Mr. President, that of course never was in doubt, and these lobbyists knew it. But they struck fear in the hearts of the credit union members; hence the deluge of telephone calls and faxes and letters and visits and all the rest of it.

In no way—let me say this as plainly as I can—in no way will these membership rights be revoked from citizens who were credit union account holders prior to the February 25, 1998, Supreme Court decision. I hope I have nailed down that falsehood pretty well.

Parenthetically, Mr. President, it should be made clear that such revocation has never—never—been remotely considered by anybody. It would have been fundamentally unfair for anybody to even think of it. It should also be emphasized that the banking industry is unanimously supportive of the position that it would be unfair.

Mr. President, I am persuaded that many Senators may have been incorrectly persuaded by the deluge of contacts with their constituents that small bankers are attempting to take away the account rights of credit union members, which, in fairness, Mr. President, is an absolute falsehood, and even the lobbyists who contend otherwise are bound to have known and know to this moment that it is false.

Let the record be clear, nobody—nobody—has a membership in a credit union where that membership depends on passing legislation that will allow the unrestrained expansion of credit unions.

Now, the fact is, most traditional credit unions were not, nor ever will be, affected by the Supreme Court decision of last February. The fact is, in that decision the Supreme Court supported the original statutory intent of the Federal Credit Union Act of 1934 that credit unions must have a common bond, that is to say, some reason to be considered as a group. In fact, the Court was unanimous in its interpretation of the law, identical in effect to the way it was written way back in 1934.

All right. You see, Mr. President, most credit unions operate under the definition of a "common bond," as was clearly the intent of the Federal Credit Union Act.

Mr. President, most credit unions will continue to operate and the members will continue to benefit from their regulatory tax-exempt status—taxes that their competitors have to pay.

Now, the point is unmistakably clear. The only credit unions affected are credit unions that have expanded, in clear violation of the Federal Credit Union Act of 1934 which the Court upheld this year. The violation of this Federal Credit Union Act has been done in several ways—primarily by the unlawful inclusion of hundreds of groups, large and small, and thousands upon thousands of employees of these hundreds of groups.

Now, the change in the National Credit Union Administration regulatory policy launched the credit union industry into an era of unprecedented growth. For example, in the 8 months following the regulatory change, one credit union added more than 1,000 different groups. That was done in less than 8 months' time.

No longer were credit unions required to represent groups of individuals with common workplace or geographic interests, but hundreds of unrelated groups not joined by any commonality. Larger credit unions have used this newfound freedom to an advantage at the expense of their financial competitors.

This legislation—and the name of it, just for the record, is the Credit Union Membership Access Act; the number is H.R. 1151—this legislation proposes to codify, to place into law, the NCUA 1982 regulatory interpretation and thereby invite another major expansion of the credit union industry. H.R. 1151 proposes to authorize multibonded credit unions to bring in groups of up to 3,000 members—a number, by the way, which NCUA can waive at its discretion—and would effectively allow credit unions to target every entity in the United States.

Now, the Bureau of the Census has declared that 99.9 percent of the businesses in the United States employ fewer than 3,000 workers. So you see the practical effect of allowing multibonded credit unions to bring into their membership groups which have less than 3,000 members would effectively repeal all limits of expansion on the credit unions which pay no taxes.

In summary, H.R. 1151, the Credit Union Membership Access Act, soon to be the pending business in the Senate, is a long way from the original concept and intent of the very clear common bond. According to the NCUA, to qualify for this tax-subsidized service—and that is what it is—one would simply have to walk in and sign up. It follows that many credit unions are moving beyond their original purpose of aiding individuals of "small means" with basic services. In fact, already such things as professional sports teams, yacht clubs, law firms, country clubs, and many, many others now have their own credit unions. I suggest that this exceeds any rational definition of individuals living by "small means."

In all fairness, the reason I am here this morning is H.R. 1151 does not qualify as simply a pro-credit union bill. It is really, if you want to call it what it is, an anti-competitiveness bill. If Congress wants to alter the intended dimensions of credit unions, Congress should be willing to say so clearly and not hide behind the guise—and that is what it is—that the intent of the soon-to-be pending legislation is to protect credit unions following the Supreme Court's ruling.

Now, then, in realty, Congress is setting the stage for the expansion and growth of the credit union industry into thousands upon thousands of new markets well into the 21st century, while continuing to be exempt from paying the Federal taxes that the competitors down Main Street have to pay.

If the credit union industry wants to expand its presence in the financial marketplace and increase its ability to offer various services to more and more groups—in short, if they want to operate like community banks—I commend their ambition because I believe that the banking industry will and should welcome them into the marketplace as long as credit unions are required to live under the very same tax structure and the very same regulatory morass that America's small community banks and small town bankers live with every day.

Let me be clear, as I wind up, that I oppose both higher taxes and burdensome regulation. If Congress chooses to allow credit union growth without taxation and without costly regulations, then let's be fair and do the same for America's community bankers, the small bankers who are competing for the same core of business without the benefit of a Federal subsidy paid by the American taxpayer.

It is unfortunate that the debate on this legislation up to now has pitted the banking interests versus the interests of the credit union industry. The debate should be about the willingness of Congress to provide a level and fair playing field for all financial interests. Is it equitable for credit unions, comprised of countless hundreds of groups and assets in the billions, to have a competitive advantage over small bankers who are competing for the same business? I am convinced the obvious answer to that is no. Unless and until this becomes a debate about fairness in the marketplace instead of a politically expedient response to a shrewd and energetic lobbying campaign, I cannot and will not support such misguided and tragically misunderstood legislation.

In closing, a few personal observations: Earlier, I mentioned the enormous public relations campaign crafted by lobbyists for the credit union industry. I am confident that every Senator's office has experienced this full court press.

This past week, in fact, a rally was staged right here on Capitol Hill by several thousand credit union supporters who had been brought to Washington to demand immediate passage of H.R. 1151, without amendments.

Now, I am genuinely impressed by the willingness of the credit union industry's supporters to travel to Washington to express their support for H.R. 1151. However, I must question the actions of some of the lobbyists who staged this demonstration on the Capitol steps and used distortion and half-truths and even untruths to get their message across. This undermines the integrity of the people who they purport to represent. I hope in the future they will use greater care in representing their constituencies.

So this debate boils down to an issue of fairness. Most Senators, including myself, have friends on both sides. I take great care in trying to ensure that the small guy, whether he is a bank customer or a credit union member, is given a fair and equal deal, the level playing field that we so often hear so much about. This bill does not represent a level playing field. Congress amended the Federal Credit Union Act in 1937 to give tax-exempt status to federally chartered credit unions to serve a narrow purpose, not to give a distinct market advantage over their competition with the small bank down the street.

Now, it must be said that many credit unions such as the U.S. Senate Federal Credit Union, right here on Capitol Hill, have used this advantage judiciously in serving their clearly defined customer base.

The employees of the Senate are their customer base. They won't lose their membership. Nobody is about to lose their membership. That is all hogwash. Unfortunately, too many other large credit unions have expanded the reach of their tax-exempt status far beyond the original congressional intent—extending their Government-subsidized services to include hundreds upon hundreds of unrelated groups and businesses.

I say again, as a result of this tax-free status and their exemption from Federal regulations that require other financial institutions to reinvest in low-income areas, credit unions are able to offer deals on loan rates and checking accounts that most community banks simply cannot match.

It gives me no pleasure to stand here and take this stand, Mr. President. I could have kept silent and gone on down to North Carolina to have my sore knees fixed. But I am obliged to say, in conclusion, that if we allow credit unions to expand tax free and act more and more like banks, then we should at least try to ensure that there is a level playing field for all similar financial institutions. If we tax the banking industry, the small bankers, we should tax the credit unions—but I don't think we should tax either one of them. If we are to force banks to function under burdensome community reinvestment regulations, shouldn't we support equally demanding regulations for credit unions? Is this not, in the final analysis, just an issue of fairness? It would be simpler and easier for me to keep silent, but my conscience would not let me do so. I cannot engage in that luxury. I felt obliged to take my stand and I have done so.

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

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent for 15 minutes to speak in morning business.

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

UNITED STATES-RUSSIAN RELATIONS

Mrs. FEINSTEIN. Mr. President, at the end of this week, Vice President GORE is scheduled to depart for Moscow to conduct meetings in preparation for a summit meeting between President Clinton and President Yeltsin in September. I believe this meeting and the future summit is really long overdue and extraordinarily important. I would like to take a few minutes to speak about the relationship between our country and the new Russia.

United States-Russian relations today stand at a critical juncture. It has been almost a decade since the end of the cold war, and although we have made great strides in reestablishing the friendship that characterized relations between our two countries in the recent past, we have yet to establish the basis for the kind of partnership that is adequate to guide our two nations into the next century.

The Russian Federation is nearly twice the size of the continental United States. It covers 11 time zones, with a population of close to 150 million people. Lest we not forget, Russia is a country with a nuclear arsenal capable of annihilating the Earth many times over.

Few countries on this Earth have undergone the sort of wrenching political, economic, and social transformation that Russia is now going through. While China has moved slowly and carefully to release centralized control over its economy, the Russian model has moved rapidly, in a macro way, to embrace both economic and social democracy.

Today, Russia remains fragile. The United States has a huge stake in what happens now. Our goal must be to see that Russia remains a stable, modern state, democratic in its governance, abiding by its constitution and its laws, market-oriented and prosperous in its economic development, at peace with itself and with the rest of the world. A Russia that reflects these aspirations is likely to be part of the solution, rather than part of the problem, to world peace.

Conversely, a Russia that erects barriers against what it sees as a hostile world, that believes the best defense is a good offense—such a Russia could be in the 21st century just as it was for much of the 20th century—one of the biggest problems the United States and the rest of the world will face.

Russia may be down as a major power, but it is far from out. Although it is all too easy for some to look at Russia today and conclude that it is not a country that demands attention as a top U.S. foreign policy priority, that, in my mind, would be a grievous error in judgment. To place United States-Russian relations in a secondary category of concern is a surefire recipe for disaster. The United States has an enormous stake in the outcome of the present Russian struggle for democracy and free markets.

I believe that it is in Russia's own interests to conduct a concerted effort against the antidemocratic forces and the ultra nationalistic ones, against crime and corruption and, yes, against old Soviet attitudes and habits. This is the course which the government of President Yeltsin has undertaken, and he has done it despite many impediments that still stand in the way.

Too often we have been quick to point out the shortcomings and imperfections of the Yeltsin government and of Russia—and as recent questions regarding Russian assistance to the Iranian missile program indicate, there is some reason for deep concern.

I am fully supportive of the President's decision last week to sanction nine Russian companies for cooperation with Iran. In my mind, Russia's assistance to Iran indicates just how far Russia has yet to travel if it wants to be a full partner with the United States in the international community. But I must also note that the cooperation that Russia now provides is a welcome reversal of its stance of a few years ago. I hope that this new level of cooperation is a major harbinger of things to come.

Indeed, for those who care to look, there have been many positive developments in Russia over the past years—positive developments that include President Yeltsin's constitutionally based election and reelection in 1996, the defeat of hyperinflation, the end of the war in Chechnya in 1997, the signing of the NATO-Russia Founding Act, and successful Russian participation in joint peacemaking operations in Bosnia.

Russia has also made enormous strides in integrating into global economic and regional economic institutions, including the World Bank, the International Monetary Fund, the ASEAN Regional Forum, the Council of Europe, the Paris Club, and more. Russia has strengthened its ties to the European Union and is active in the United Nations and Organization for Security and Cooperation in Europe.

That is not to say Russian reform has scored a knockout blow against crime and corruption, or that the Russian economy is home free. In fact, the current economic crisis and resulting political instability presents the new democracy with its greatest challenge to date.

The package agreed to last week by Russia and the International Monetary Fund provides significant funding, we

hope, to stabilize the Russian economy, and it contains major fiscal reform elements, including tax reform, some of which are going to be put in place, as well as far-reaching structural reforms to increase growth and free-market competition. It represents an important pledge by Russia to continue the development of a free-market democracy, and it is an important vote by the international community in the importance of this new Russia.

Russia may still be struggling, but it is my belief that it is on the cusp of a constructive interaction in the international community as a democracy. This must be encouraged. As one analyst wrote about World War II era Germany and Japan, "There are no dangerous peoples; there are only dangerous situations, which are the result, not of laws of nature or history, or of national character or charter, but of political arrangements."

In Russia today, there is a growing ultranationalism which represents a major threat to its progress as a democracy, and we must be cognizant of that.

It will take courage for Russia to look to the future positively, to abandon obsolete thinking, to reassess its national security needs and interests in light of new alliances. It will require a high level of determination and hard work by our country to work with Russia to develop these institutions, institutions which can encourage the growth of democracy and free markets and lead to a more stable and cooperative and prosperous new Russia.

But if future generations are to be spared the danger, the expense, and the terror faced by my generation in dealing with Russia, if we are truly to reap the benefits of the end of the cold war, we cannot stand by and wait to see whether democracy and free markets will survive in Russia.

In more concrete terms, I believe that the time is ripe for a full-scale, high-level, new initiative towards Russia as we approach the 21st century.

The Vice President's trip and this September's summit, I hope, will contribute greatly toward this process, but the Senate bears a special responsibility for the conduct of our Nation's foreign policy. We must play a role, too.

This initiative, I believe, should focus on ways in which the United States can work effectively with the new Russia to strengthen and encourage democratization; to support efforts by the IMF and the international community to assist Russia's economy to make the full transition to free markets; to examine and revise outdated legislation which has created roadblocks and bottlenecks in United States-Russian relations and which place United States firms doing business in Russia at a competitive disadvantage; to provide help in the fight against corruption and organized criminal enterprise in Russia; to expedite existing United States resources now available through OPIC, the Eximbank, and other financial institutions through the development of fast-track type programs which cut red tape for worthy business projects and investments; to encourage and expand existing academic, cultural, and other exchange programs, including those between the Congress and the Duma which aim to support Russia's reformers; and, finally, to work to fully integrate Russia as an equal partner in the international political, economic, and security institutions.

We must understand how the right kind of foreign assistance can play a crucial role in assuring Russian economic growth and vitality. And we must understand how our assistance can help create the ability for Russia to consolidate its gains and provide the opportunity for Russia to work out its national identity and destiny in ways which will complement American interests.

None of this will be easy and all of it will require sustained effort. To that end, the Vice President's trip this week is a first major step. And to that end also, I hope to be able to work with the chairman and ranking member of the Foreign Relations Committee of this body to conduct hearings to examine the nature and future direction of United States policy toward Russia. From these hearings I hope we can develop legislation to address United States policy in the areas I have outlined above, and to strengthen United States-Russian ties in an appropriate way.

I deeply believe that this relationship needs the most intensive concern and interaction at the present time. We must give Russia both time and opportunity to consolidate the reforms that constitute the good news of the past few years, to work with them to beat back the forces that threaten this progress, and to assist them to become a stable, prospering, democratic republic which can be a partner for world peace in the next century.

I thank the Chair and I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 2337 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HONORING THE DRAKES ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. Individuals from strong families contribute to society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken seriously the commitment of "till death us do part", demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Elsie and David Drake of Springfield, Missouri, who on July 26, 1998, will celebrate their 50th wedding anniversary. Many things have changed in the 50 years this couple has been married, but the values, principles, and commitment this marriage demonstrates are timeless. As this couple celebrates their 50th year together with family and friends, it will be apparent that the lasting legacy of this marriage will be the time, energy, and resources invested in their children, church, and community. My wife, Janet, and I look forward to the day we celebrate a similar milestone.

The Drakes exemplify the highest commitment to the relentless dedication and sacrifice. Their commitment to the principles and values of their marriage deserves to be saluted and recognized.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I don't foresee there is any additional morning business to come, so I ask unanimous consent the period for morning business be brought to a close.

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2260) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me begin to address this issue. I know Senator HOLLINGS is on his way to the floor, the ranking Democrat, who has worked so conscientiously on this, along with his staff and my staff. This is the appropriations bill which covers some very core agencies that the Federal Government has responsibility for, specifically areas of Justice, things like the FBI, the DEA, the INS; areas

within Commerce—many areas, of course, are covered by the Commerce Department including, of course, the census issue. Equally important, in fact more important in many ways are ITA and NOAA, two agencies that deal with the manner in which the U.S. economy functions and the manner in which our environment is reviewed. We try to stay ahead of weather conditions.

In addition, this bill has the State Department—obviously the State Department is a core function of the Federal activity—and the judiciary, which is the third branch of the Government, that is also under this bill, along with a number of independent agencies, agencies like the FCC and the FTC and the Small Business Administration. So this is a bill that has broad reach and is a very significant item for the Senate to take up.

This funding bill has been put together as a result of the hard work of a lot of people. I especially thank my ranking member, Senator HOLLINGS, whose input and assistance is always invaluable on this issue. His background and knowledge of the questions which are raised on this bill are extraordinary. I look to him for advice and counsel on many issues. When we agree, we make great progress, which we have on this bill. This bill was reported out of the committee unanimously.

In addition, I thank my staff which has worked so hard, and minority staff which has worked so hard, and the other members of the committee.

PRIVILEGE OF THE FLOOR

Mr. GREGG. During the pendency of this bill, I ask unanimous consent floor privileges be made available to Jim Morhard, Paddy Link, Kevin Linskey, Carl Truscott, Dana Quam, Vas Alexopoulos, Kris Pickler, Lila Helms, Emelie East, Dereck Orr, and Virginia Wilbert.

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

Mr. GREGG. That request also included members of the minority staff.

Mr. President, this bill, S. 2260, is, as I mentioned, a bipartisan bill. It was reported out of committee unanimously. It is a bill that allocates $33.2 billion for fiscal year 1999. The bill provides $1.1 billion more than was spent on these agencies last year. I will explain the reasons for those increases as we go on. It is $3.6 billion less than what the President requested.

It is a lean bill. There were difficult decisions that had to be made. But the legislation supports the core functions which are required of these agencies while improving a number of activities pursued by these agencies.

We provide $17.8 billion for the Justice Department. This includes funds to combat terrorism, violence against women and children, illegal drug running, and cybercrime, along with many other worthwhile programs.

I am proud to say the committee included a total of $17.2 million to bolster programs that help law enforcers find and care for missing children. This bill furthers our goals of making communities safer for our children.

You may recall last year the committee increased funding for the FBI and the National Center for Missing and Exploited Children to prevent the use of the Internet to exploit children. Based on the follow-up hearings we held this year, I believe those funds have been put to good use. The Center was involved in recovering 4,878 children this year with an overall recovery rate of 90.3 percent. The Center increased the hours of operation for their phone tip hotline and created a web site on the Internet for public use. The hotline, in conjunction with the web site, should lead to more pedophile apprehension. The Center also provides special training for local law enforcement people at the Jimmy Ryce Law Enforcement Training Center about how to pursue missing children. This is a serious issue, missing children, and we are trying to address it aggressively in this bill.

As part of this effort, we have recommended $5.2 million for the FBI to combat child abductions and serial killing.

The FBI has put together an exceptional task force to address the issue of child abductions and serial killings.

The tragic school shootings in the past few months that have shocked the Nation are also a concern of ours. According to the National School Safety Center, 25 students have been killed in U.S. schools since January 1 of this year. This is the same number of students who were killed for the full 1996 school year, but in half the time.

For this reason, the Senator from South Carolina and I created a new Safe Schools Initiative which provides $210 million to introduce a positive law enforcement presence in our school systems. By working together with educators and local communities, we believe law enforcers can find ways to stop the escalation of murders and violence in our schools. The funding is found in three Department of Justice accounts: $175 million from Community Orientated Policing (COPS) for additional officers; $25 million for the Juvenile At-Risk Children's Program for prevention efforts; and $10 million from the National Institute of Justice to develop new, more effective safety technologies. These funds will be used by local law enforcers in partnership with schools and communities to develop programs to improve safety in our schools.

I congratulate and appreciate the support of the Senator from South Carolina in developing this new initiative. Our intention is to provide educators with the means to improve hostile environments. We must make sure that violence does not become a commonplace event in our school systems.

In addition to this new Safe Schools Initiative, we fund many of the out-of-school programs for children that will likely be familiar to you. We increase funding for the Boys and Girls Clubs of America, for the Big Brothers/Big Sisters program which brings young people together with responsible adults willing to serve as long-term mentors. These programs give students positive reinforcement while expanding their horizons while taking up those hours of the day when students are most at risk —the time right after school.

There are prevention programs, such as the National Crime Prevention Council, whose well known mascots of McGruff and Scruff make learning safety tips fun, or Parents Anonymous which advocates prevention of child abuse and which will be creating an immediate-response system with the fiscal year 1999 funding.

Many States have youth programs tailored to their communities, and these communities may be eligible for Federal grants to assist in the areas of education, research, prevention, and rehabilitation. These are the types of programs the committee is supporting by placing $284 million in the juvenile justice programs account.

I stress here that we have not tried to reinvent the wheel. We have supported programs that work, and we have turned to communities to give us their ideas as to how these funds should be allocated.

Also in line with youth support, the committee is recommending $12 million to expand the Youth Gang Program and $95 million for incentive grants for local delinquency programs, including $25 million to enforce underage drinking laws.

Most of the programs I have mentioned are prevention programs to work with youth, but there is more to this process. The committee, with help from the chairman of the Judiciary Subcommittee on Youth Violence, added $100 million for the juvenile accountable incentive block grant. These funds will go towards functions that are in place to emphasize accountability to juveniles after they have committed crimes, such as detention facilities and probation officers.

The committee recommends an increase to $282 million for the Violence Against Women Program. According to the Justice Department, violence by an intimate accounts for 21 percent of the violent crime experienced by women. Our legislation increases the number of law enforcers and prosecutors who will address these crimes. Our intent is to develop and implement effective arrest and prosecution policies in order to provide better handling of crimes against women. Women ages 16 to 24 experience the highest per capita crime rates of intimate violence. Therefore,

the committee is providing $10 million within the funding level for the prevention of violence on college campuses. By doing so, we will be helping the women who are most at risk.

Many of our colleagues are familiar with the story of Megan Kanka who was killed by her neighbor, a convicted sex offender, in New Jersey in 1994. Congress subsequently passed Megan's law that asks States to require its violent sex offenders to register their address with government officials upon their release from prison. To further this effort, this bill contains $25 million for the National Sex Offender Registry to identify, collect, and exchange sex offender data from the States through an automated registry.

Further, the bill includes $45 million to assist States in improving the automation, accuracy, and completeness of criminal history records. This will facilitate the exchange of interstate information.

In addition, we add money for the DNA programs so that States will be able to communicate effectively with each other on the issues of DNA.

The balance that we tried to reach was between those areas of prevention where we can assist children, especially children in school, and give them leadership when they are out of school during those difficult hours, with the need to have a tough enforcement process, and that enforcement process has been adequately funded and aggressively funded as a result, in large part, of the Senator who is sitting in the Chair right now whose leadership on the issues of juvenile justice is primary in this body.

Another area of Justice activity we have addressed is the terrorism issue. Terrorism continues to be a primary concern and threat to our country, so the committee is continuing to support a strong counterterrorism policy, something we began a couple of years ago with the work of Senator HOLLINGS and myself.

The Attorney General is working on a counterterrorism strategy that should be completed by the end of the year. We look forward to the completion of that plan, and we are recommending $224 million for counterterrorism initiatives.

Our counterterrorism recommendation is comprehensive. A portion of this funding will go to the first-responder training and equipment as the Nation must be able to quickly react to a terrorist incident. Another portion will provide funding for specific programs to build this capacity, such as metropolitan medical strike team training and equipment, the acquisition of equipment for the largest cities and localities in the United States, the implementation of situational exercises, State and local bomb detection and technician equipment, and equipment grants for local fire and emergency agencies. The intent of the committee is to provide direct assistance to the first responders as well as to guide our national policy toward a coordinated and effective response.

We also recommend significant funding for State and local law enforcers to have the same training and equipment as their Federal counterparts. The committee recognizes the need for the Federal, State, and local law enforcers to work together, especially in addressing a terrorist attack.

We provide funding for the FBI to prepare for terrorist attacks. The issue of terrorism is a two-fold event—one of trying to stop it and anticipate it through intelligence and, second, trying to react when such an unfortunate incident occurs. We have aggressively funded the FBI initiatives.

As part of the counterterrorism effort, we enable the Attorney General to quickly receive reimbursements from other agencies as well as to acquire the necessary equipment and services during a terrorist crisis.

We have further requested the Attorney General to conduct a no-notice, counterterrorism-readiness exercise involving the leadership of all pertinent agencies. We look forward to the results of that exercise.

This is just a brief summary of some of the elements of our counterterrorism strategy. Obviously, some parts of it have to remain classified, but our purpose is to have a comprehensive, all-encompassing response to what is clearly one of the biggest issues facing our country.

Are we prepared for a terrorist attack at this time? No, we are not. Are we moving in the right direction to get prepared for such an attack? Yes, we are. Having visited almost all the agencies that are involved, those that are in our purview of jurisdiction and those outside our purview of jurisdiction, the one thing I have been most impressed with is a sincere and genuine effort to have a coordinated response to this issue, and there appears to be very little in the way of a turf fight going on, which is absolutely critical that we avoid in trying to address this issue.

In the area of drugs, we also have a major effort. The strategy includes $24 million for DEA's methamphetamine initiative and $13 million for the heroin strategy. To also combat methamphetamine production and trafficking, we are recommending a $15.5 million methamphetamine program through the COPS program.

The Senator from South Carolina and I have worked with the DEA Administrator to create regional drug enforcement teams to address the strategies of the cartels. The committee directs $21.8 million for this effort, and there is an additional $5.6 million provided to handle the influx of violent drug-trafficking groups based in the Caribbean.

We included also $25 million for S. 1605, the "Bulletproof Vest Partnership Act," sponsored by my friend and colleague from Colorado, Senator CAMPBELL, and signed by the President on June 16. This funding will go to law enforcement officers for the purchase of bulletproof vests.

The committee recommends a new initiative which provides $144 million to improve law enforcement in Native American communities. The funds come from a variety of agencies. However, we have seen, unfortunately, that adequate law enforcement in Native American communities is woefully lacking, and there are a number of initiatives which we have undertaken in this bill to try to assist those communities.

In the area of the INS, the Immigration and Naturalization Service, this bill provides $3.9 billion. We want to equip the INS with the means to manage its two-pronged duty of law enforcement and legal immigration. On the enforcement end, we are recommending an additional 1,000 Border Patrol agents for the borders and a 100-person integrated team designed to intercept illegal aliens traveling on highways in the South and Midwest in order to counteract problems arising in the interior of the country.

When we take these 1,000 agents and add them on top of the 1,000 agents we put in last year, we are making a huge personnel expansion in the INS in the area of the Border Patrol where the problem exists.

For the second prong, the administrative portion, we provide sufficient funding that is enhanced by technology. The INS construction and maintenance has been woefully under funded in the past years, and we recommend more than a 33 percent increase. The $110 million level will strengthen training, border control, and detention and deportation.

Detention space shortfalls and the naturalization backlog will benefit from the increased revenues from revived fees. Where possible, new technology should ease the burden on our overworked personnel.

Of note, this bill does not address the INS reform issue. Reform is needed in that agency, but it is too complex an issue to address in the context of this appropriations bill. Clearly, it needs to be addressed in the future and, hopefully, in the near term.

In the Commerce Department we have provided $4.9 billion. The committee provides funding requested by the President for the U.S. Trade Representative and the International Trade Commission, and a variety of other international trade activities, including ITA, at funding levels which are more than adequate to address the concerns in trade which are so critical to strong commerce. Commerce Department programs are supported specifically at a level that will adequately do the job that is required.

In the area of the census, we have put in $848 million, over a half-million dollars. This is the amount that was requested. We have not addressed the issue of the question of the proper way to count the census. The decennial census is important not just for the apportionment of Representatives in the House of Representatives but for many of the formulas that create grants to the States.

The dress rehearsal for the census raised several issues which deserve congressional scrutiny. This occurred recently in two cities in the United States. Going into the dress rehearsal, the Census Bureau did not have in place software which could detect duplicate or fraudulent census forms. The inability of the Bureau to test such an important system during the dress rehearsal is troubling.

The keystone of any census is the mailing list. In this bill, additional funds are provided to assist the Bureau in "re-engineering" its mailing list. The forms returned as "undeliverable as addressed" during the rehearsal were twice the number estimated by the Census Bureau. Mailing list problems varied in three locations in which the dress rehearsal was conducted.

The purpose of the dress rehearsal is, of course, to identify shortcomings which must be corrected in order for the decennial census to be successful. The Census Bureau is behind in its efforts to create its Master Address File for the decennial census. Also, reports of mail address problems from the dress rehearsal do nothing to increase the confidence that the address list "re-engineering" will be successful. During the dress rehearsal, maps for enumerators to follow up with those not responding to the census were found to be hard to read and, in some instances, inaccurate.

A successful census will require a good mailing list, a way to detect fraudulent or duplicate forms, and maps to permit enumerators to follow up on nonresponsive citizens. We will spend billions of dollars on the year 2000 census. We should expect these basic elements to be in place for the dress rehearsal. They were not, and this should concern every Senator.

We need to know what is going to happen with the census when it occurs. Clearly, there is a fight going on over whether there should be sampling. But one thing is obviously clear from the dress rehearsal: Whether there was sampling or whether there was not sampling—whether there was a head count or not—the census is not ready to go forward and a lot needs to be done.

The bill funds the National Institute of Standards and Technology (NIST) programs at a level of $646.7 million. This level will enable NIST to upgrade its facilities and to build a state-of-the-art Advanced Measurement Laboratory. NIST's activities are actually critical to American industry. They are especially important now where exporters are running into trade barriers which are sometimes technically applied to them, and this can assist them in being more responsive to these technical barriers.

The committee also funds the National Oceanic and Atmospheric Administration (NOAA) at $2.2 billion. This exceeds the requested level. This committee is totally committed to being sure that we have a first-class NOAA effort. Clearly, in light of what we have seen from El Nino and other weather events in this country in recent times, it is absolutely critical that we have a strong Weather Service. And the need to expand our activity in the area of ocean activities is also equally critical.

NOAA advises us that they are getting near to the ability to adequately forecast an El Nino type of event, and we intend to make sure they have the funds to accomplish that. In addition, this year's budget request includes the Advanced Hydrological Prediction System, which should assist in forecasting floods in the Missouri flood basin, an absolutely critical issue, as well as the Advanced Weather Interactive Processing System which the National Weather Service needs.

Further, we have created a new Oceans Policy Commission. This is basically the outgrowth of an initiative of, again, the Senator from South Carolina. As some may recall, NOAA was initially created under the Nixon administration by Executive order. The idea for an agency to conduct research on oceans and atmosphere came as an outgrowth of the Stratton Commission, which was created in the 1960s. I think it is fair to say that the Senator from South Carolina and I believe the time has come to reinvigorate and assess the state of U.S. ocean policy and research. This commission will accomplish that.

In the area of the State Department and its related agencies, we have provided $5.6 billion. We are totally committed to modernizing the information technology and facilities, and especially housing, of the State Department. The committee recommended $118 million, the full request, for computers and communications equipment. This funding is an essential part of achieving the year 2000 compliance. Another $5 million is provided for systems unique to the United States Information Agency. And $550 million, approximately, is provided for the security and maintenance account, and $52.9 million is allocated for desperately needed housing. Finally, we fund the design of two new chanceries in Beijing and Berlin and anticipate funding the construction in next year's bill.

As for the international accounts, the committee recommends $1.1 billion for international organizations and $431 million for peacekeeping. Though the administration did not request it, the committee recommendation includes $475 million for arrears. The $475 million is consistent with the State Department authorization bill and the 1998 budget resolution. This year's payment brings the total available for arrears to $575 million. That is the amount that the U.N. requested. And we are on course to full funding of the arrears. With a stroke of the pen, the President can restore the credibility of the United States at the U.N. by simply signing the appropriate legislation—specifically, the State Department authorization bill which was agreed to. So the Congress has done its part and continues to do its part on funding the arrears issue.

The problem lies with the White House.

Finally, because of the crisis in India and Pakistan, we fully fund the Arms Control and Disarmament Agency.

In the area of the Judiciary, out of a total of $3.6 billion, we recommended full funding for the Judiciary's highest priorities: court security, defender services, and the Supreme Court. The remaining accounts receive increases across the board, although not all at levels that they were requested. We also include a cost-of-living adjustment for the justices and the judges.

We, as I mentioned, have a number of independent agencies. In regard to the Federal Communication Commission (FCC), we are funding that at the levels they requested. However, there remains the issue of the Portals II building. I am sure there will be considerable discussion of that before we complete this bill, but the fact is that there has been gross mismanagement relative to the Portal II building. The FCC should not be forced into moving into a building that does not meet its requirements from the standpoint of technology or security, and that building is really a total affront to the taxpayers of this country—that being the fact that we continue to pay for uninhabited space which is uninhabitable space as well as being uninhabited.

In the Federal Trade Commission, we have aggressively worked with the leadership of the Federal Trade Commission, Chairman Pitofsky, to pursue an aggressive program on telemarketing fraud. Consumers lose anywhere from $3 billion to up to $40 billion a year as a result of telemarketing fraud. We are seeing a great expansion of this activity, especially on the Internet. The committee is working with the Commission and has set up a new program to try to address this, including an 800 number. The Commission feels quite confident this will have a significant impact on the problem.

The Small Business Administration is also funded at a high level, $613 billion. Of this, $240.8 million goes to business loans and $94 million goes for the disaster loan account.

Of concern to the committee is the administration's request to increase the disaster loan interest rate. This request was soundly rejected. The committee has made it clear to the SBA and the administration that increasing the interest rates on loans to Americans who have experienced disasters is unacceptable. The administration should reverse its ill-considered proposal to make disaster victims pay market rates for assistance in recovering from economic injury.

I thank the Senator from South Carolina for his strong assistance in helping with this bill. There is a great deal more to talk about, and I am sure we will have plenty of time to do that as we proceed forward.

I thank the Senator from South Carolina for his courtesy for that long statement. I understand we may break at 12:30, so he may want to reserve his statement.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I think the distinguished chairman has stated it extremely well.

Mr. President, I am pleased to join my Subcommittee Chairman and colleague, Senator GREGG, in presenting to the Senate S. 2260, the Fiscal Year 1999 Commerce, Justice, and State, the Judiciary and related agencies appropriations bill. Once again, I would like to commend Chairman GREGG for his outstanding efforts and bipartisan approach in bringing to the floor a bill that—given the number of priorities we have been asked to address within our limited 302(b) allocations—is good and balanced.

In the Commerce, Justice, and State appropriations bill, we fund a wide variety of Federal programs. We fund the FBI, the DEA, the State Department and our embassies overseas, fisheries research, the National Weather Service and weather satellites, the Supreme Court, the Federal Communications Commission, and the list goes on and on. In total, this bill provides $33.2 billion in budget authority which is a little over a billion above last year's appropriated levels and a little over a billion below the President's request. The bill is right at our section 302(b) allocation.

Chairman GREGG has touched on many of the funding specifics in this bill, so I will not repeat the details; however, I would like to point out to our colleagues some of the highlights of this bill:

JUSTICE AND LAW ENFORCEMENT

This bill provides appropriations totaling $17.8 billion for the Department of Justice. Within the Justice Department, the bill provides $2.95 billion for the FBI, $1.2 billion for the DEA, and $1.08 billion for the U.S. attorneys.

Safe Schools Initiative—The bill also includes a new initiative, the Safe Schools Initiative for which Senator GREGG and I have provided $210 million in an effort to combat violence in our schools.

This past spring it seemed like there wasn't a week that went by without the country having to suffer through the trauma of watching on the news another story of school shootings or school violence unfold. And the ages of the victims and the violent youth get younger and younger with each report.

National statistics provided by the Justice Department indicate that between 1989 and 1995, there has been a 37 percent increase in the number of students age 12–19 reporting violent crimes at school. In 1995, there were 3 million students age 12–19 reporting that they knew a student who brought a gun to school, and over 1.2 million students reported seeing a student with a gun at school.

The idea behind this initiative is to stop violence from spreading throughout our Nation's schools like so many drugs have.

This initiative is aimed at protecting our children by putting more police in the school setting. The bill provides $175 million through the COPS Program, for local police departments and sheriff's offices to work with schools and other community-based organizations to develop programs to improve the safety of elementary and secondary school children and educators in and around our nation's schools.

In Richland County, Columbia, I recently visited a school that employed a police officer as both a teacher and a mentor—serving as an authoritarian figure while at the same time establishing friendships with the kids. We need more programs like this—and this initiative is a step in that direction.

This initiative is also aimed at creating prevention programs for our young people to stop this violence before it begins. The bill provides $25 million from the Juvenile Justice At-Risk Children Program for communities to implement approaches unique to their particular problems. For example: State centers may provide accountability and responsibility training, violence reduction training, juvenile mentoring, training for teachers to recognize troubled children, parent accountability and family strengthening education.

In Richland County, Columbia, the same program that puts the policeman in the classroom has him out of the school fields after classes are over, teaching students about responsibility, cooperation, and positive interaction.

Mr. President, three years ago, Richland County began a program of placing police officers in the school setting. This program, operating out of the Sheriff's office, places 20 certified police officers in high schools and middle schools throughout Richland County. The police officers are called "School Resource Officers" and basically serve as counselors, role models, and teachers. The officers assist teachers in the school by developing and teaching lesson plans that include: conflict resolution, law related education, psychology classes on drug abuse, and how to vocalize concerns rather than act out violence, etc.

This program is a proven success. Officer David Soto of Richland County, just named School Resource Officer of the Year, made 126 arrests at the school in his first year, 56 is the second, and only 36 this past year. His presence is most certainly making a difference. And this new initiative will too.

For grants, the bill provides $1.4 billion for the Community Oriented Policing Services (COPS) Program, $282.7 million for Violence Against Women Program, $711 million for State prison grants, $552 million for the Local Law Enforcement Block Grant Program, $40 million for drug courts, and $284 million for juvenile justice programs.

DEPARTMENT OF COMMERCE

The bill provides $4.823 for the Commerce Department, an increase of $572 million over this year.

$451 million of that increase for the Department of Commerce went to the Bureau of the Census to fund the decennial census at the President's request level of $848.5 million. The bill does not take a position on whether the Bureau should use statistical sampling or enumeration.

NIST's Advance Technology Program (ATP) is funded at last year's appropriated level of $192.5 million, and the Manufacturing Extension Partnership (MEP) program is funded at a level of $106 million. Funding is extended for those centers affected by the existing sunset provision. The bill supports the bipartisan efforts of the 17 members of the Commerce Committee who voted to report out a reauthorization bill and the 20 cosponsors of that legislative proposal.

The International Trade Administration is funded at $304 million.

The bill provides $2.2 billion for NOAA, an increase of $200 million over this year's funding level. Chairman GREGG and I have continued to work bipartisanly to keep a focus on our Oceans.

Oceans Commission funding. Senator GREGG and I have also included in this bill $3.5 million in funding for the creation of an Oceans Commission. Thirty-two years ago, Congress enacted legislation that created a national commission (Stratton Commission) whose ideas have shaped our ocean policy for almost thirty years. Resulting from the Commission was the creation of

NOAA and enactment of such vital legislation as the Coastal Zone Management Act, and the Marine Sanctuaries program. This Commission—modeled after the successful Stratton Commission—will look at U.S. ocean and coastal activities and report within 18 months on recommendations for a national policy.

Today half of the U.S. population lives within 50 miles of our shores and more than 30 percent of the Gross Domestic Product is generated in the coastal zone. Our ocean and coastal resources that were once considered inexhaustible are severely depleted, and our wetlands and other marine habitats are threatened by pollution and human activities. Meanwhile, recent technological advances related to the oceans offer us new economic and scientific opportunities. In an effort to address the increasing environmental, economic, and scientific demands on our oceans, our ocean-related government bureaucracy has grown rapidly during the past three decades into a patchwork of regulations and programs. This Commission will give us insight into what direction our national policy should take to preserve, manage and use this limited resource during the next thirty years.

A number of marine user and interest groups have endorsed our efforts to create a new Ocean Commission, including: The American Coastal Coalition; the American Oceans Campaign; the American Sportfishing Association; the Center for Marine Conservation; the Coastal States Organization; the Consortium for Oceanographic Research and Education; the H. John Heinz III Center for Science, Economics, and the Environment; the Jason Foundation; the National Fisheries Institute; the Pacific Coast Federation of Fishermen's Associations; and the World Wildlife Fund.

It is time for this country to reassess our national policy toward our oceans and this provision takes the first necessary step to get us moving in the right direction.

STATE DEPARTMENT AND INTERNATIONAL PROGRAMS

The bill includes $5.6 billion for the Department of State and related agencies. Within the State Department, the bill provides $550 million—an additional $146.8 million above this year's level of funding—for security and maintenance of U.S. missions, including funding for the chancery in Beijing, China and Berlin, Germany.

The funding level also includes payment of international organization and peacekeeping funds, including $475 million for U.N. arrears, subject to authorization.

International broadcasting is funded at $333 million which includes voice of America, Radio Free Europe, and Radio Free Asia.

Mr. President, in summary, given the allocation we received, this is a good bill. Many—but not all—of the administration's priorities were addressed to some extent. Likewise many—but not all—of the priorities for members were addressed to some extent. Tough decisions were made because of, on the one hand, the limited allocation, and on the other hand, the critical need to fund the Census, and 1,000 Border Patrol agents, and counterterrorism efforts, and the FBI's capabilities to combat child abductions, and DEA's continued war on drugs, and weather satellites, and critical fisheries research, and peacekeeping and the list goes on and on and on.

Mr. President, let me emphasize a couple of things. One, of course, is my gratitude for the outstanding leadership that Chairman GREGG has given our subcommittee in submitting this measure to the U.S. Senate. We worked around the clock to get this done, and no one has been more conscientious in trying to hold back spending.

The appropriation for State-Justice-Commerce is $33.2 billion, slightly over a $1 billion increase from this present year. This increase is accounted for by the fact that we had to provide for the Census, and what is due and owed to the United States, and for law enforcement. This increase, however, is actually $1 billion less than what was requested of us by the President of the United States.

As should be emphasized, the Safe Schools Initiative, under the leadership of Chairman GREGG, provides a good $175 million increment in the overall $210 million appropriations with respect to school resource officers within the school system.

Some three years ago, in my own backyard of Richland County, SC, Sheriff Leon Lott came upon the idea of putting some of his deputies in troubled schools, rather than putting them all on the streets. Sheriff Lott's idea has been a tremendous success. There now are about 20 officers, school resource officers, in Richland County schools. In one particular school, one officer has made almost 250 arrests in one year. He made 156 arrests the first year, and then some 56 the second year, and now down to 36 this year—the dramatic decline in arrests shows that this program works, it reduces crime.

What really occurs is that these officers teach courses in law enforcement, teach respect for the law, and engage the students and the administration. Also, of course, they talk to the administration and know when a child is troubled or doesn't have any help from home and everything else of that kind, and they can more or less become a friend and mentor to the child.

In this day and age, we hear much talk about the family on the floor of the U.S. Senate. Three out of four women with children in school have a job. Now I don't believe that is the fault of the U.S. Senate and I don't believe that will be solved by the U.S. Senate. There are children who come to school who don't have a father, and whose mother works. In essence, they don't have parental guidance. The teacher is called upon not just to teach but to substitute as a parent and keep law and order in the classroom. Teaching class, these officers will come to know the students well. They will serve as mentors and their understanding of the students will help them combat crime and prevent it before it starts. And in the afternoon they will participate in athletic events. Around the clock, these officers will become known and become role models.

Three million students last year attested that they knew of someone who brought a pistol or a knife onto school grounds, but that they didn't tell anyone because they didn't want to get involved and get themselves in trouble. But now with that officer engaged as he is around the classes and in the exercises in the afternoon, becoming a role model, trusted and known, these students just nudge, just point. The officer knows why they are pointing. They don't have to say anything. They are right on top of these situations. I think it is a tried and true, valid approach now to this problem of violence and death in America's public schools.

I commend Chairman GREGG on this particular initiative, the Safe Schools Initiative. I commend, of course, the leadership that we had under Sheriff Lott back in my own backyard that has gained acceptance for this particular program. Also, I think that you have to be able to mention the fact that we are taking care of the United Nations. We have not gotten into that Census sampling problem. That will have to be solved in conference. We do have an oceans initiative that the Ocean Commission—that was passed by the U.S. Senate almost unanimously. We reinstate more or less the old Stratton Commission of 32 or 33 years ago.

We need to update that. And we find that we have billions and billions to go up into space, but we can't find, seemingly, enough money for the National Oceanic and Atmospheric Administration for research and to get the attention of the public generally with respect to seven-tenths of the Earth's surface.

I would like to take a moment before closing to acknowledge and thank Senator GREGG's staff—Jim Morhard, Kevin Linsky, Paddy Link, Dana Quam, Karl Truscott, and Virginia Wilbert—and to my staff—Lila Helms, Emelie East, and Dereck Orr—for their hard work and diligence in bringing together a bill that does everything I have just mentioned and more. They have worked nonstop in a straightforward and bipartisan manner, and those efforts are evident in the product before the Senate today.

Mr. Prsident, in closing I would like to make a few final comments about Scott Gudes who left my staff several weeks ago after working as minority clerk on this subcommittee for the last 4 years, and as majority clerk for the 4 years prior.

TRIBUTE TO SCOTT GUDES

As Senator BYRD said about Scott Gudes 2 years ago, nobody knows better. Scott has worked with me on the Commerce, Justice, State bill for 8 years and it has been a prvilege working with such an intelligent, diligent, hard-working, and genius staff member. Senator BYRD hit the nail on the head—Scott knows appropriations; Scott knows Senate procedure; and Scott has common sense better than anyone. His departure from my committee staff is a geuine loss to me, to everyone who had the opportunity to work with him, and to the United States Senate.

Scott began working with me in 1990 as majority clerk for the CJS Subcommittee and stayed with me in this position through this year. Before that he was hired by Senator STEVENS and worked for him, Senator Stennis, and Senator INOUYE on the Defense Appropriations Subcommittee from 1986 to 1990 where he was responsible for all Department of Defense Operation and Maintenance accounts. During 1989 and 1990 he served as a subcommittee branch chief/assistant staff director and in this tenure on the Defense Subcommittee, Scott earned a reputation as handling the broadest and largest portfolio of any House or Senate appropriations staff.

This reputation followed him to the Commerce, Justice, State Subcommittee, where Scott became responsible for knowing the policy context and daily operations of a vast array of programs operated by four cabinet departments, the Departments of Justice, Commerce, State, and USTR, the Federal Judiciary, and 24 independent Federal agencies such as the FCC, SEC, FTC, LSC, EEOC—he was in a world of acronyms, yet he was able to tell you the current and historical status of each and every one of these agencies, he could assess their budgetary concerns, identify future year needs, and quickly determine the political astuteness of contemplated legislative action on any of the programs or agencies in the bill. He was our utility player—able to jump from satellites to fisheries to telecommunication to immigration policy to small business development, demonstrating his technical expertise and political acumen in the broadest array of programs imaginable.

Scott deserves the credit for a number of innovative and forward-thinking initiatives on the CJS bill during his tenure. His creativity compelled the subcommittee to consider and adopt such important initiatives as the NOAA fleet modernization program, acquisition of a high-altitude hurricane reconnaissance aircraft for the National Weather Service, methods of supporting the COPS on the Beat program, ways to hire and keep funding more border patrol agents, successfully integrating the 1994 Violence Against Women Act into our appropriations bill, finding ways to make the GOES satellite program start working under the necessary time table—the list could go on. But the important thing to note is that more often than not, Scott's recommendations at how best to technically and politically institute these initiatives were the recommendations we would follow, whether in the majority or minority.

Scott is now working for the Department of Commerce at NOAA, the National Oceanic and Atmospheric Administration, as Deputy Undersecretary of NOAA. Scott has followed his passions—the oceans, fisheries, atmospheric science—and NOAA, the Department of Commerce, and we as U.S. citizens reaping the benefits of NOAA's programs are all the better for Scott's high position in this agency. Scott will undoubtedly excel at this position just as he had here in the Senate, before that at OMB, as a Presidential Management Intern working in the Office of the Secretary of Defense, and at the city manager's office for the city of Costa Mesa, California. Scott is indeed a fine, fine person—NOAA is lucky to have him, and I expect to see his star shine for many, many years to come. I wish Scott all the best in the world—and know that in whatever position in life Scott finds himself, his decency, intelligence, and integrity will continue to be synonymous with his name. Congratulations, Scott. You will truly be missed.

Mr. INOUYE. Mr. President, I wish to congratulate Chairman GREGG and Senator HOLLINGS on their leadership in crafting the Fiscal Year 1999 Commerce, Justice, and State, the judiciary, and related agencies appropriation bill. Given the broad reach of this measure and our budgetary constraints, this was no easy task.

From a parochial standpoint, I wish to thank the Chairman and Senator HOLLINGS for their sensitive consideration of programs of importance to the State of Hawaii, including the East-West Center, Hawaiian monk seal recovery, endangered sea turtle research, and coral reef research, assessment, monitoring and management, to name a few.

I would also like to acknowledge the outstanding work of the staff: Jim Morhard, Kevin Linskey, Paddy Link, Dana Quam, Vasiliki Alexopoulos, Lila Helms, and Emelie East.

Finally, I would like to thank Scott Gudes for his many years of dedication to the Senate Appropriations Committee, and in particular, the Defense and Commerce, Justice, and State Subcommittees. Throughout the years, Scott worked tirelessly and conscientiously, and garnered the deep respect of Members and staff who had the privilege of working with him. Scott recently left the Senate to become Deputy Under Secretary at the National Oceanic and Atmospheric Administration. I wish him much success and fulfillment in this new endeavor.

AMENDMENT NO. 3227

(Purpose: To establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, to persons under 17 years of age)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 3227.

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

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

The amendment is as follows:

On page 135, between lines 11 and 12, insert the following:

Title I. —

SEC. 620. (a) PROHIBITION.—

(1) IN GENERAL.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e)(1) Whoever in interstate or foreign commerce in or through the World Wide Web is engaged in the business of the commercial distribution of material that is harmful to minors shall restrict access to such material by persons under 17 years of age.

"(2) Any person who violates paragraph (1) shall be fined not more than $50,000, imprisoned not more than six months, or both.

"(3) In addition to the penalties under paragraph (2), whoever intentionally violates paragraph (1) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(4) In addition to the penalties under paragraphs (2) and (3), whoever violates paragraph (1) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(5) It is an affirmative defense to prosecution under this subsection that the defendant restricted access to material that is harmful to minors by persons under 17 years of age by requiring use of a verified credit card, debit account, adult access code, or adult personal identification number or in accordance with such other procedures as the Commission may prescribe.

"(6) This subsection may not be construed to authorize the Commission to regulate in any manner the content of any information provided on the World Wide Web.

"(7) For purposes of this subsection:

"(A) The term 'material that is harmful to minors' means any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that—

"(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

"(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

"(iii) lacks serious literary, artistic, political, or scientific value.

"(B) The terms 'sexual act' and 'sexual contact' have the meanings assigned such terms in section 2246 of title 18, United States Code.".

(2) CONFORMING AMENDMENT.—Subsection (h) of such section, as so redesignated, is amended by striking "(e), or (f)" and inserting "(f), or (g)".

(b) AVAILABILITY ON INTERNET OF DEFINITION OF MATERIAL THAT IS HARMFUL TO MINORS.—The Attorney General, in the case of the Internet web site of the Department of Justice, and the Federal Communications Commission, in the case of the Internet web site of the Commission, shall each post or otherwise make available on such web site such information as is necessary to inform the public of the meaning of the term "material that is harmful to minors" under section 223(e) of the Communications Act of 1934, as amended by subsection (a) of this section.

AMENDMENT NO. 3228 TO AMENDMENT NO. 3227

(Purpose: To direct the Federal Communications Commission to study systems for filtering or blocking matter on the Internet, to require the installation of such a system on computers in schools and libraries with Internet access, and for other purposes)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. COATS and Mrs. MURRAY, proposes an amendment numbered 3228 to Amendment No. 3227.

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

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

The amendment is as follows:

At the end of the pending amendment, add the following:

TITLE II.—INTERNET FILTERING

SECTION 1. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS.

(a) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

"(1) IMPLEMENTATION OF A FILTERING OR BLOCKING SYSTEM.—

"(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) or (3), respectively.

"(2) CERTIFICATION FOR SCHOOLS.—Before receiving universal service assistance under subsection (h)(1)(B), an elementary or secondary school (or the school board or other authority with responsibility for administration of that school) shall certify to the Commission that it has—

"(A) selected a system for computers with Internet access to filter or block matter deemed to be inappropriate for minors; and

"(B) installed, or will install as soon as it obtains computers with Internet access, a system to filter or block such matter.

"(3) CERTIFICATION FOR LIBRARIES.—Before receiving universal service assistance under subsection (h)(1)(B), a library that has a computer with Internet access shall certify to the Commission that, on one or more of its computers with Internet access, it employs a system to filter or block matter deemed to be inappropriate for minors. If a library that makes a certification under this paragraph changes the system it employs or ceases to employ any such system, it shall notify the Commission within 10 days after implementing the change or ceasing to employ the system.

"(4) LOCAL DETERMINATION OF CONTENT.—For purposes of paragraphs (2) and (3), the determination of what matter is inappropriate for minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making that determination;

"(B) review the determination made by the certifying school, school board, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).".

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking "All telecommunications" and inserting "Except as provided by subsection (l), all telecommunications".

Mr. MCCAIN. Mr. President, I know the hour of 12:30 has arrived, but I ask unanimous consent to speak for 1 minute past the recess time.

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

Mr. MCCAIN. Mr. President, I thank the manager and the Democrat ranking member for allowing us to lay down these two amendments. We will be glad to discuss and debate them at a time most convenient for the managers of the bill.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERTS).

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3228

The PRESIDING OFFICER. The business before the Senate is Amendment No. 3228 offered by Senator MCCAIN of Arizona.

Mr. SMITH of Oregon. Mr. President, I thank Senator GREGG for giving me a few minutes to speak in morning business. I ask unanimous consent that I might do so.

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

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the McCain No. 3228 amendment to Amendment No. 3227.

Mrs. MURRAY. Mr. President, I come to the floor today to join my colleague from Arizona, Senator MCCAIN, in urging the Senate to adopt our Internet filtering amendment, the Childsafe Internet bill.

We come here today for one simple reason: to find a way to protect children on the Internet. The Internet is growing and expanding faster than we ever thought possible. It has become a daily tool for many Americans. As the Internet continues to grow, I believe it is our responsibility to do something to protect children from harmful material.

I have worked hard over the last 6 years to get computers and technology into our schools. I have sponsored legislation to allow surplus Government computers to be put into schools. The Senate, in fact, just passed my Teacher Technology Training Act, to make sure teachers can incorporate technology into their curriculum.

I have worked hard to establish the e-rate to help our schools get connected to the Internet. I have been out in schools, and I know personally what a great educational tool the Internet can be. And I represent a state that is leading the way in many of these new technologies.

I want our students and I want our teachers to have access to this information. But, as we continue to see, there is a small amount of information on the Internet to which children should simply not have access.

In fact, a 1997 national survey of U.S. public libraries and the Internet revealed that students often unintentionally download pornography while on the Net. Mr. President, 22 percent of the children surveyed admitted that this had happened in school, while 25 percent admitted it had occurred in a public library.

I understand no solution is perfect. Technology alone won't filter every objectionable item on the Internet. We

must remember, though, that this technology has made enormous strides in just a short amount of time.

I have heard from people who say health information, such as breast cancer, would be blocked from viewing. That may have been the case, but filtering companies have developed new technologies and are employing new procedures that do protect children while allowing more and more educational information to be used.

Our legislation is a first step. It is the right thing to do. The Childsafe Internet bill would simply require any school or library that gets reduced Internet access, the e-rate, to install some technology on their computers that keeps inappropriate material away from young children.

What is great about our bill is that it gives power to local school districts and libraries to determine which filtering device to use and what constitutes inappropriate material. Decisions must remain at the local level with those who best know their students.

Mr. President, let me give a few examples I have heard of the need for the Childsafe Internet Act.

Last month, a seventh grade teacher in Washington state told me that it was impossible to watch 30 young students at their computers all of the time. She did not want a situation in which a child found inappropriate material, complained to their parents, and then have a parent come screaming back to the classroom, where the teacher was ultimately responsible. She turned off the Internet.

I do not want that to happen. I ask unanimous consent to have printed in the RECORD a number of letters I have received from parents about the need for this bill.

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

APRIL 19, 1998.

DEAR SENATORS: You were both in Vancouver this week, and I wasn't able to reach you through your office. Would you please update me on the status of SB 1619 the Internet School Filtering Act? In SW Washington, the regional group reported that they are the state internet provider service is looking at filtering at the state level as a result of SB 1619. As you can see from this report, filtering isn't perfect. However, without any filtering, far more youth at much younger ages come up with inappropriate material.

In Camas, pop. 9000, elementary students are not allowed to do searches on the internet for this reason. There is no reason to allow technology to serve as an excuse for lowering standards of acceptable material in publicly funded institutions. The Camas library continues to fight filtering, and points to the schools lack of one as justification. The Ft. Vancouver library board most recently on Monday April 13 though optional filtering was a good idea. That defeats the whole purpose and keeps the porn option wide open to kids. I hope you got my report of abuses noted. If they had a log like this, I'm sure the number of accesses reported would be much higher. Please continue to work so that our tax dollars do not found porn and inappropriate material to children. Thank you for your time to reply please. E-mail is best, since it is faster, and a number of meetings are coming up the first week in May.

Sincerely,

MARGARET TWEET.

MAY 29, 1998.

Senator Patty Murray,

Attn: Kay

DEAR KAY: This also came out today. Ft. Vancouver records show one employee who quit rather than provide porn to minors with that as the stated reason. At the KOMO Town Hall, another Washington librarian announced she made the same decision after 6 months of wrangling over whether providing access to internet porn to a 14 year old patron was a part of her job she could live with. Adult businesses cannot sell pornography to children, an indication of public policy. It should not be an option for youth in libraries either. Thank you again for your time.

Sincerely,

MARGARET TWEET.

MAY 17, 1998.

To: Senator Murray,

Subject: Filtering Library Internet Access.

DEAR SENATOR MURRAY: I just finished watching Town Meeting on ABC. You go girl! I am a parent of a 17 month old. I am horrified that she could go to the library in 4 years and pull up pornography or any other sexual sites. Yes, the library is a public place, that does not mean they have to provide information about such things. Why protect the bad guys when children are our future. And people wonder how this world came to what it is now with these kind of issues. If someone wants to look at pornography let them buy their own computer and do it in the privacy of their own home, not expose our kids to it, that's just what the sickos want. I'm with you all the way. Even if the filtering isn't perfect, software companies will continue to upgrade and patch their software, and why not do what we can now to protect our children!!!!

Good luck June 9th, you have our prayers.

SHELTON, WA,
May 30, 1998.

To: Senator Murray.

Subject: Cyber porn.

SENATOR MURRAY: You and I disagree on most issues, but on the issues of limiting access to highly graphic pornography to children on the Internet is something we do agree upon.

I support the concept of schools mandated to utilize an electronic block to preclude elementary, middle school, and high school students from entering pornographic websites. There isn't any defensible reason why these websites should be available for the children to explore. I am certain most parents do not allow their children to surf porn sites so at home, and the same expectation is needed to protect the children while they are in school.

The technology is currently available for school districts to block out websites which are deemed pornographic. This does not in anyway impede the purveyors and pimps of this demeaning material of their First Amendment rights. You would defend these children if some individual were to turn the school into a toxic waste dump. The same fervor is needed to prevent pornographic pollutants from being introduced into the minds of impressionable children.

Since the educational establishment benefits from taxpayer dollars, it is not an onerous request to have this country's school system voluntarily act upon this issue in a responsible manner. School districts which are non-compliant may have their federal funding significantly impacted until compliance is gained.

Thank you for taking this time to read my this piece of email.

JEFFREY K. MEYERS.

BELLEVUE, WA,
February 11, 1998.

Hon. PATTY MURRAY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MURRAY: My family has a concern regarding pornography on the Internet that is dramatically different than you may have been asked to look into or even aware of. A few days ago, our fifteen year old daughter was doing school work using the Internet. The address for one of the most popular search engines is, "www.infoseek.com." She made a one adjacent character key typing error and typed, "www.infoseel.com."

She was shocked, stunned, and nauseated at the vile explicit pictures that instantly were presented on the screen. Enclosed are black and white print outs. As you can see the first shows anal intercourse with the text, "Free Live Fucking, Now With Sound." The second is a gynecological close-up with the text, "hot hole, enter free." This brought our traumatized daughter running out of the room in tears.

This kind of revolting garbage has no place in our home and no place in American society. There are two aspects of this issue that warrant federal action. One, the people behind this website, by their intentional choice of their URL address, were seeking to put their pornography in front of those who made reasonably foreseeable typing errors. This amounts to intentional interstate delivery of pornography to minors. It should be immediately prosecuted as such.

Second, the National Science Foundation assigns the Internet URL addresses. It should be a simple matter for Congress to legislate the denial of URL addresses to people and organizations who engage in this kind of malicious perversion.

The apologists for the present laissez faire state of affairs on the Internet are fond of telling us parents that it's our responsibility to supervise our own children. This disgusting incident proves that to be a totally inadequate approach, and is in fact a self serving ruse. My family sees this as nothing less than visual child rape. Please let me know what actions you can take to quickly curtail this abuse and protect our children from this kind of intrusive filth.

Sincerely,

DOCK BROWN.

BOTHELL, WA,
February 26, 1998.

Subject: Childsafe Internet Bill.

I am writing to urge your support of the Childsafe Internet Bill being pushed by Senators JOHN MCCAIN, PATTY MURRAY and others which will limit the right of access by children to smut on the internet when federally funded commuters are used in classrooms.

This one is a "no-brainer". Institutions who want federal money to buy computers must agree to block and/or filter pornography when children are using computers in the classroom.

Will you support the Childsafe Bill?

Respectfully,

VINCENT T. SAULIN.

OAK HARBOR, WA,
November 4, 1997.

TOM MAYER,
Director,
Marysville, WA.

DEAR MR. MAYER: For over a year people in our community have been doing research on children's access to pornography on the Internet at public libraries. Among other material such as feature articles in "The Wall Street Journal," and "New York Times, " and numerous news magazines, we have studied the "Report and Recommendation on Internet Filtering Software and Its Use in Public Libraries, July 1997", prepared by the Sno-Isle Regional Library System.

We sincerely hope that we can persuade the Sno-Isle Library system to install filters on the juvenile computers. We believe that the filters are a sensible and reasonable way of copying with the problem.

A list of our concerns is attached, but the basis of our decision is as follows:

1. Public libraries have always been held accountable for their resource material, especially where children's sections are concerned.

2. The Internet should pass the same criteria as all other material.

3. Filtering software is available to block child pornography and other smut sites, and libraries all across the country have installed this software without any legal challenges so far.

We urge the Sno-Isle Library system to follow the advice of your internal staff report of July 1997, which recommended filtering software on juvenile computers.

Someone has to speak for our children. We the parents, grandparents, teachers, law enforcement officers and social service workers are doing just that.

May we hear from you soon?

Sincerely yours,

TRUDY J. SUNDBERG,
Founder, Save Our Kids Crusade.

Mrs. MURRAY. My concern is if we don't act now to do something about this issue, teachers and librarians across the country will begin turning computers off, preventing children access to this valuable educational tool. None of us wants that to happen.

The Childsafe Internet bill is the right way to go. It allows local schools districts to make important decisions about Internet content. It is a common sense solution. We have provided this Internet access through the E-rate. Now we must finish the job by providing our teachers and parents with the right tools to help educate our children.

Most parents would not send a child to a playground in their local community unsupervised. We cannot allow our young children to be in the Internet unsupervised.

Lets give our teachers and librarians some help, our parents some control, and truly pass legislation that will protect America's next generation.

I yield the floor.

Mr. LEAHY. Mr. President, I oppose Senator MCCAIN's amendment, originally introduced as S. 1619, to require schools and libraries wired with federal funds to install Internet filtering software. Congress has wisely seen fit to make the Internet widely available to young people throughout the country by subsidizing school and library access to the Internet through "E-rate" discounts. The McCain amendment would undermine the benefits of that access by forcing schools and libraries to use filtering technologies to remove a significant percentage of material available on-line. Internet filtering issues should be discussed and implemented locally, not nationally, and certainly not by piggybacking a filtering bill onto a crime bill and spiriting them to the Senate floor as amendments to an appropriations bill.

While we can all agree that some material available on the Internet may be unsuitable for certain age groups, there is serious disagreement concerning the best approach to the challenge of protecting our children from exposure to unsuitable material. Fundamentally, this is a decision that should be made at the local level, by families and school boards, librarians and educators in their own communities. Although I share the deep concerns about children's access to obscenity and other harmful materials on the Internet, in the rush to protect children, we should not unnecessarily chill the freedom of expression that occurs on-line.

The intention of this amendment is good. But good intentions do not always make for the best policy. The primary problem with this amendment is that it usurps local authority on whether to use filtering technologies on computers with Internet access. That's why educators oppose it. The National Education Association and the American Association of School Administrators testified before the Commerce Committee that they opposed making E-rate discounts contingent upon installation of blocking or filtering software. Imposing a top-down mandate requiring schools to install filtering software as a condition for accessing E-rate discounts violates the principle of local control of curricular matters.

Placing the burden on libraries, schools, and other public institutions to supervise our children's access to information is also counterproductive. Schools have already been forced to comply with extensive congressional and FCC requirements to participate in the E-rate program. Forcing schools to comply with further requirements would strain the already overburdened financial and staff resources of the nation's schools. Although at first blush this requirement does not appear to be overburdensome, given the number of federal requirements with which schools and libraries receiving Federal assistance already must comply, the mandate would require extensive research, installation and implementation. Some of our local schools already have their own systems in place to monitor Internet access. The McCain amendment could force them to scrap these systems and start from scratch. A number of schools and libraries have not yet even received the computers and technologies to gain access to the Internet, and are in the process of applying for E-rate funding to obtain infrastructure, such as wiring and connectivity. Schools may be unable to make the requisite demonstration as to how the filtering software will be implemented if their computers are not yet in place.

The goal of the federal Internet subsidies is to give our schools, libraries and public institutions open and universal access to the technology and information that will help prepare our children and young adults for the challenges that lie ahead in the next century. By making the subsidy available, we are helping to bridge the gap between wealthier and poorer communities' access to information. The McCain amendment would widen the gap. Wealthier schools that do not receive the subsidy are permitted, within First Amendment bounds, to decide for themselves whether or not to place limits on Internet use. Requiring use restrictions is one more way of telling subsidized schools that they are not trusted to make these decisions for themselves. This is precisely the type of access inequality that the federal E-rate subsidy was designed to cure, not foster.

Wresting control of educational and informational access from the local communities that are best equipped to make these decisions is not going to solve the problem of inappropriate material on the Internet. Filtering software is one way of restricting the access by minors to such material, but other options exist. Local school boards, administrators, and librarians more familiar with their own systems and culture are the proper people to decide how best to implement any programs restricting access to information.

I would support efforts to address these issues that allow more flexibility at the local level. Instead of a blanket mandate requiring filtering and blocking technology in all schools and libraries that receive E-rate subsidies, we should have more research into how to combat the problem of minors receiving inappropriate information over the Internet in e-mail messages and in chatrooms. We should encourage schools and libraries to distribute their policies to parents, educators, children, and community members, and to state whether they use any technological means to block access to inappropriate materials.

There are more sensible approaches. We should alert our communities to the potential problems of inappropriate

materials on the Internet, and allow and encourage informed decision-making at the local level. That is why I have created a page on my website dedicated to providing guidance to parents and educators on how to protect children from inappropriate material online. But above all, we should support the mission behind the E-rate subsidy: open and universal access to technology and information.

Our children and our schools need as much support as we can possibly offer to help prepare the next generation to meet the challenges that lie ahead.

Mr. President, with reference to the amendment offered by Senator COATS, less than three years ago, during the 104th Congress, the Senate voted overwhelmingly to adopt the Communications Decency Act as part of the telecommunications deregulation bill. The CDA, like the current amendment, sought to criminalize the transmission of constitutionally protected speech over the Internet. I opposed the CDA from the start as fatally flawed and flagrantly unconstitutional. I predicted that the CDA would not pass constitutional muster and, along with Senator FEINGOLD, I introduced a bill to repeal the CDA so that we would not have to wait for the Supreme Court to fix our mistake.

We did not fix the mistake and so, as I predicted, the Supreme Court eventually did our work for us. All nine Justices agreed that the CDA was, at least in part, unconstitutional. Justice Stevens, writing for seven members of the Court, called the CDA "patently invalid" and warned that it cast "dark shadow over free speech" and "threaten[ed] to torch a large segment of the Internet community."

The Court's decision came as no surprise to me, and it should have come as no surprise to the 84 Senators who supported the legislation. One of the sponsors of the current amendment said in a floor statement last Friday that the Supreme Court should have approved the CDA because the law used the same indecency standard that the Court had previously approved in connection with the dial-a-porn statute. This statement puzzled me because, as I recall, the Court did not approve the indecency standard in the dial-a-porn statute. The Court approved that statute only insofar as it applied to obscene communication, which can be banned totally because it is not protected by the First Amendment. The Court invalidated the dial-a-porn statute as it applied to indecent communication, which does enjoy First Amendment protection. This is precisely the same distinction that the Court drew in the CDA case, where it struck down the restrictions on indecent material, but left the restrictions on obscene material standing. The CDA decision followed the dial-a-porn decision; it did not break new ground in that regard.

Now here we are, again, taking another stab at censoring constitutionally protected speech on the Internet, again, in the name of protecting children. Of course, we all want to protect children from harm. I prosecuted child abusers as State's Attorney in Vermont, and have worked my entire professional life to protect children from those who would prey on them. But we have a duty to ensure that the means we use to protect our children do not do more harm than good. As the Supreme Court made clear when it struck down the CDA, laws that prohibit protected speech do not become constitutional merely because they were enacted for the important purpose of protecting children.

The amendment makes a valiant effort to address many of the Supreme Court's technical objections to the CDA. But while it is more narrowly drawn, it still raises substantial constitutional questions. The core holding of the CDA case was that "the vast democratic fora of the Internet" deserves the highest level of protection from government intrusion—the highest level of First Amendment scrutiny. Courts will assess the constitutionality of laws that regulate speech over the Internet by the same demanding standards that have traditionally applied to laws affecting the press.

The current amendment does not meet those standards. For one thing, it calls for a single, national definition of the "harmful to minors" standard, which until now has always been defined at the State or local community level. We should not forget the Supreme Court's admonition in Miller versus California that: "our Nation is simply too big and too diverse . . . to reasonably expect that such standards could be articulated for all 50 States in a single formulation. . . . It is neither realistic nor constitutionally sound to read the First Amendment as requiring that the people of Maine or Mississippi accept public depiction of conduct found tolerable in Las Vegas, or New York City."

In addition, the way in which the amendment defines "material that is harmful to minors" is not altogether consistent with prior law. The sponsor says that the definition was taken "word for word" from the Ginsberg case, but the fact is that several important terms were altered or omitted. This could be confusing, and it could well have the unintended consequence of limiting the meaning of state "harmful to minors" laws.

The strict liability provisions of the amendment are another matter of concern. The amendment imposes criminal liability and authorizes severe criminal and civil sanctions on anyone who fails to take affirmative steps to restrict access of certain materials by minors. There is no requirement that the person acted knowingly, willfully, or even with criminal intent. The strict liability imposed by the amendment would chill content on the Web. Also, since this amendment only applies to the Web, I am concerned that if it becomes law it would pressure Internet content providers and users to use or develop other protocols with which they would be able to exercise their First Amendment rights unfettered by the threat of strict liability criminal prosecution.

There are other problems with the scope of the amendment. It does not define who would be covered by the crucial phrase "engaged in the business of the commercial distribution of material." Would the amendment cover companies that offer free Web sites, but charge for their off-line services? Also, if we restrict coverage to commercial distributions, are we just encouraging people to post the very same obnoxious materials on the Web for free? Is that what we want?

Further, it is entirely unclear whether the amendment's affirmative defense provision can be used in the civil context, since it states that it is a defense to "prosecution" under the amendment. Would companies that restrict access to their Web sites in accordance with FCC procedures nonetheless be exposed to the stiff civil penalties established by the amendment?

We can and must do better. There are other more effective and less restrictive solutions—solutions like filtering technology, which empower individual Internet users without reducing the level of discourse over the Web to what would be suitable for a sandbox. This amendment, like its predecessor, places an unacceptably heavy burden on protected speech. We should not run another ambiguous speech regulation up the flagpole and expect the courts to salute. We owe it to the millions of Americans who use the Web not to make the same mistake a second time.

Finally, I note that the Senate is considering this important measure, including its creation of new federal crimes, as part of an annual appropriations bill. Until recently the Senate had rules and precedent against this kind of legislating on an appropriations bill. Under Republican leadership, that discipline has been lost and we are left to consider significant legislative proposals as amendments to annual appropriations. These matters are far-reaching. They deserve full debate and Senate consideration before good intentions lead the Senate to take another misstep in haste.

Mr. BURNS. Mr. President, I would like to state for the record that I continue to have serious reservations about the federal government mandating the use of specific technologies to solve the problem of schoolchildren's access to inappropriate material on the Internet. I believe that school boards are much more effective in making decisions about appropriate

policy or technology when dealing with Internet access for students than Washington. Advances in technology have brought wonderful opportunities, but we must not rely on technology to deal with complex public policy questions. Congress sets a dangerous precedent by stamping its "seal of approval" on software that may be obsolete next year or even next week.

I initially expressed my reservations about a bill which would require mandated filtering systems, S. 1619, during the Commerce Committee markup that was held this past March. I considered offering an amendment during the markup that would have required schools and libraries to certify that they had appropriate Internet Acceptable Use Policies in place in order to receive universal service funding. The Chairman of the Commerce Committee assured me that if I were to pull my amendment he would be open to working with me to reach a compromise on the issue. Upon receiving this assurance, I withdrew my amendment.

Over the last several months, I have held numerous meetings among all of the parties involved in the markup in an effort to reach consensus. My office has had an open door policy and had significantly altered the original language to expand its scope to reflect the concerns of my colleagues. The draft compromise amendment I was prepared to offer required that schools have Internet use policies in place that address not only access to the World Wide Web, but also the security of schoolchildren when using E-mail and chat rooms. These policies would have to be public, widely distributed and effective. Furthermore, the compromise amendment would significantly expand criminal penalties on "cyberstalkers"—criminals who use computers to exploit or abuse children.

The compromise amendment has achieved significant support because of its inclusion of these vital matters and its reliance on local communities rather than federal mandates.

I am deeply disappointed that the Chairman of the Commerce Committee chose not to compromise on this very important issue. I had anticipated that this issue would be dealt with in its own right and that we would have several hours of debate to deal with S. 1619 and the amendment I had planned to offer along with several of my colleagues. Instead, it was attached to the Commerce-Justice-State appropriations bill today. I did not express my opposition to the inclusion of S. 1619 because I did not want to hold up the passage of crucial Commerce-State-Justice appropriations. However, I want to make it very clear that I remain steadfastly opposed to big government mandates on the filtering issue and I will work closely with my colleagues as S. 2260 heads to conference to perfect the bill to reflect these concerns.

I continue to believe that local communities acting through their school and library boards, rather than software programs that are at best questionable or the federal government, are in the best position to make decisions on this critical issue.

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

Mr. GREGG. Mr. President, I urge the pending amendment to the amendment, by Senator McCAIN, be accepted.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I think the distinguished Senator from Washington has really outlined the concerns of both sides of the aisle. The Senator from Arizona has a good initiative here. Without further comment on our side we accept the amendment.

The PRESIDING OFFICER. Without objection, the second-degree and first-degree amendments are agreed to.

The amendment (No. 3228) was agreed to.

The amendment (No. 3227), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I do not want to interfere with the managers and their schedule. I wonder if the manager would be in disagreement if I sent an amendment to the desk at this time or did he have other plans?

I ask unanimous consent to yield to the distinguished manager.

Mr. GREGG. I understood the Senator from California was going to offer an amendment, and the Senator from Minnesota was going to offer an amendment. We were going to alternate. I ask the Democratic floor manager how he feels about it.

Mr. HOLLINGS. I think the Senator from Arizona should proceed.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3229

(Purpose: To amend the Communications Act of 1934 to promote competition in the market for delivery of multi-channel video programming and for other purposes)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona (Mr. McCAIN), for himself and Mr. BURNS, proposes an amendment numbered 3229.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . MULTICHANNEL VIDEO PROGRAMMING.

(a) FINDINGS.—

(1) The Congress finds that:

(A) Signal theft represents a serious threat to direct-to-home satellite television. In the Telecommunications Act of 1996, Congress confirmed the applicability of penalties for unauthorized decryption of direct-to-home satellite services. Nevertheless, concerns remain about civil liability for such unauthorized decryption.

(B) In view of the desire to establish competition to the cable television industry, Congress authorized consumers to utilize direct-to-home satellite systems for viewing video programming through the Cable Communications Policy Act of 1984.

(C) Congress found in the Cable Television Consumer Protection and Competition Act of 1992 that without the presence of another multichannel video programming distributor, a cable television operator faces no local competition and that the result is undue market power for the cable operator as compared to that of consumers and other video programmers.

(D) The Federal Communications Commission, under the Cable Television Consumer Protection and Competition Act of 1992, has the responsibility for reporting annually to the Congress on the state of competition in the market for delivery of multichannel video programming.

(E) In the Cable Television Consumer Protection and Competition Act of 1992, Congress stated its policy of promoting the availability to the public of a diversity of views and information through cable television and other video distribution media.

(F) Direct-to-home satellite television service is the fastest growing multichannel video programming service with approximately 8 million households subscribing to video programming delivered by satellite carriers.

(G) Direct-to-home satellite television service is the service that most likely can provide effective competition to cable television service.

(H) Through the compulsory copyright license created by section 119 of the Satellite Home Viewer Act of 1988, satellite carriers have paid a royalty fee per subscriber, per month to retransmit network and superstation signals by satellite to subscribers for private home viewing.

(I) Congress set the 1988 fees to equal the average fees paid by cable television operators for the same superstation and network signals.

(J) Effective May 1, 1992, the royalty fees payable by satellite carriers were increased through compulsory arbitration to $0.06 per subscriber per month for retransmission of network signals and $0.175 per subscriber per month for retransmission of superstation signals, unless all of the programming contained in the superstation signal is free from syndicated exclusivity protection under the rules of the Federal Communications Commission, in which case the fee was decreased to $0.14 per subscriber per month. These fees were 40–70 percent higher than the royalty fees paid by cable television operators to retransmit the same signals.

(K) On October 27, 1997, the Librarian of Congress adopted the recommendation of the Copyright Arbitration Royalty Panel and approved raising the royalty fees of satellite

carriers to $0.27 per subscriber per month for both superstation and network signals, effective January 1, 1998.

(L) The fees adopted by the Librarian are 270 percent higher for superstations and 900 percent higher for network signals than the royalty fees paid by cable television operators for the exact same signals.

(M) To be an effective competitor to cable, direct-to-home satellite television must have access to the same programming carried by its competitors and at comparable rates. In addition, consumers living in areas where over-the-air network signals are not available rely upon satellite carriers for access to important news and entertainment.

(N) The Copyright Arbitration Royalty Panel did not adequately consider the adverse competitive effect of the differential in satellite and cable royalty fees on promoting competition among multichannel video programming providers and the importance of evaluating the fees satellite carriers pay in the context of the competitive nature of the multichannel video programming marketplace.

(O) If the recommendation of the Copyright Arbitration Royalty Panel is allowed to stand, the direct-to-home satellite industry, whose total subscriber base is equivalent in size to approximately 11 percent of all cable households, will be paying royalties that equal half the size of the cable royalty pool, thus giving satellite subscribers a disproportionate burden for paying copyright royalties when compared to cable television subscribers.

(b) DBS SIGNAL SECURITY.—Section 605(d) of the Communications Act of 1934 (47 U.S.C. 605) is amended by adding after "satellite cable programming," the following: "or direct-to-home satellite services,".

(c) NOTICE OF INQUIRY; REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended by adding at the end of subsection (g): "The Commission shall, within 180 days after enactment of the Act making appropriations for the Department of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year evolving September 30, 1998, initiate a notice of inquiry to determine the best way in which to facilitate the retransmission of distant broadcast signals such that it is more consistent with the 1992 Cable Act's goal of promoting competition in the market for delivery of multichannel video programming and the public interest. The Commission also shall within 180 days after such date of enactment report to Congress on the effect of the increase in royalty fees paid by satellite carriers pursuant to the decision by the Librarian of Congress on competition in the market for delivery of multichannel video programming and the ability of the direct-to-home satellite industry to compete.".

(d) EFFECTIVE DATE.—Notwithstanding any other provision of law, the Copyright Office is prohibited from implementing, enforceing collecting or awarding copyright royalty fees, and no obligation or liability for copyright royalty fees shall accrue pursuant to the decision of the Librarian of Congress on October 27, 1997, which established a royalty fee of $0.27 per subscriber per month for the retransmission of distant broadcast signals by satellite carriers, before January 1, 2000.

Mr. MCCAIN. Mr. President, today I offer an amendment to H.R. 2260 that will keep consumer prices for satellite TV service from abruptly increasing and, thereby, promote competition in the market for delivery of multichannel video programming. This amendment was originally introduced as S. 1422, the Federal Communications Commission Satellite Carrier Oversight Act. Twenty-seven Members of the Senate are cosponsors of S. 1422. I ask unanimous consent that the list of cosponsors be printed.

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

S. 1422

SPONSOR

Senator McCain (introduced 11/07/97)

27 COSPONSORS

Senator Burns—11/07/97
Senator Dorgan—11/07/97
Senator Collins—01/28/98
Senator Craig—01/28/98
Senator Hutchinson—01/28/98
Senator Murkowski—01/28/98
Senator Inouye—02/03/98
Senator Bryan—02/09/98
Senator Hollings—02/23/98
Senator Gorton—02/23/98
Senator Baucus—02/24/98
Senator Kerrey—02/27/98
Senator Enzi—03/11/98
Senator Cleland—05/07/98
Senator Conrad—11/07/97
Senator Brownback—01/28/98
Senator Coverdell—01/28/98
Senator Hagel—01/28/98
Senator Inhofe—01/28/98
Senator Roberts—01/28/98
Senator Allard—02/04/98
Senator Snowe—02/11/98
Senator Robb—02/23/98
Senator Johnson—02/24/98
Senator Kerry—02/24/98 (withdrawn—02/27/98)
Senator Sessions—03/09/98
Senator Chafee—03/31/98
Senator Smith, Bob—06/01/98

Mr. MCCAIN. Mr. President, the bill was reported unanimously by the Commerce Committee.

Mr. President, with cable television rates increasing at seven times the Consumer Price Index and three times the rate of inflation, Congress has an urgent interest in assuring that consumers have a choice of video providers at competitive rates. However, recent regulatory action threatens to raise the rates consumers pay for satellite television service, and therefore will hurt the ability of satellite television operators to compete effectively with cable operators.

On October 27, 1997, the Librarian of Congress adopted a precipitous and unjustified increase in the copyright fees satellite carriers pay for superstation and network affiliate signals delivered to satellite TV households.

Before this increase, satellite copyright rates were 14 cents per subscriber per month for each superstation signal and 6 cents per subscriber per month for each network signal. Cable operators, by comparison, pay much less for the same signals—an average of 9.7 cents for the exact same superstations and 2.7 cents for the exact same network signals. But, under the new copyright rates adopted last October, satellite carriers are forced to pay almost 270% more than cable pays for superstation signals, and 900% more than cable pays for network signals.

These new copyright rates would add substantially to the regulatory and technical barriers satellite carriers already face in providing service that customer consider a fair substitute for cable television. They will hit consumers in rural areas particularly hard, because residents in those areas have traditionally relied on reasonably-priced satellite TV service as their only source of multichannel TV.

This amendment rolls this unreasonable satellite TV copyright rate increase back to the rates in effect prior to January 1st of this year, and it delays the effective date of the rate increase to January 1, 2000.

Mr. President, the 7.5 million U.S. households who currently subscribe to satellite television deserve to have the effect of this copyright fee increase on video competition reconsidered to ensure a less arbitrary and more consumer friendly result. This delay will give the FCC an opportunity to analyze the impact increased copyright fees would have on satellite's ability to compete with cable, and it will give Congress an opportunity to evaluate the FCC's report and respond accordingly.

The bill also addresses an issue of continuing concern to the satellite TV industry. Signal theft represents a serious threat to satellite TV operators. In the Telecommunications Act of 1996, Congress confirmed the applicability of penalties for unauthorized decryption of satellite TV services. The amendment we propose would confirm the judicial interpretation that civil suits may be brought by satellite TV operators for signal theft.

I thank the 27 Senators who co-sponsored this bill which affects every single consumer of multichannel video service.

Mr. President, I thank the managers for allowing me to propose this amendment. Let me say briefly, we all know that cable rates are on the rise, that the American consumers are very angry about it and they want competition. This will provide more competition.

There are other areas where we can provide more competition, such as the ability to broadcast local news and local weather. Even the cable industry does not oppose this move, because they know that in the interest of fairness, we need to have a better equalization of these copyright fees.

I hope we can have the amendment adopted. I thank the managers of the bill. I thank the Senator from California if I went ahead of her in the queue. Mr. President, I yield the floor.

Mr. GREGG addressed the Chair.

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

Mr. GREGG. Mr. President, I am not sure if the Senator from South Carolina wants to make a statement, but we are ready to accept this amendment.

Mr. HOLLINGS. I urge adoption of the amendment.

Mr. GREGG. I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment? Hearing none, without objection, the amendment is agreed to.

The amendment (No. 3229) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

AMENDMENT NO. 3230

(Purpose: To amend chapter 44 of title 18, United States Code, to improve the safety of handguns)

Mrs. BOXER. Mr. President, I send an amendment to the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. KOHL, proposes an amendment numbered 3230.

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

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

The amendment is as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. 1__. CHILD SAFETY LOCKS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'locking device' means a device or locking mechanism—

"(A) that—

"(i) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

"(ii) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm; or

"(iii) is a safe, gun safe, gun case, lock box, or other device that is designed—

"(I) to store a firearm; and

"(II) to be unlocked only by means of a key, a combination, or other similar means; and

"(B) that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred.".

(b) UNLAWFUL ACTS.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

"(y) LOCKING DEVICES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to—

"(A) the—

"(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

"(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).".

(2) EFFECTIVE DATE.—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 150 days after the date of enactment of this Act.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(y) of that title.

(d) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO LOCKING DEVICES.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

"(i) suspend or revoke any license issued to the licensee under this chapter; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 150 days after the date of enactment of this Act.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3231 TO AMENDMENT NO. 3230

(Purpose: To provide that the amendments made to title 18, United States Code, shall take effect 180 days after enactment)

Mrs. BOXER. Mr. President, I send a second-degree amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER) proposes an amendment numbered 3231 to amendment No. 3230.

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

1__. CHILD SAFETY LOCKS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'locking device' means a device or locking mechanism—

"(A) that—

"(i) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

"(ii) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm; or

"(iii) is a safe, gun safe, gun case, lock box, or other device that is designed—

"(I) to store a firearm; and

"(II) to be unlocked only by means of a key, a combination, or other similar means; and

"(B) that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred.".

(b) UNLAWFUL ACTS.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

"(y) LOCKING DEVICES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to—

"(A) the—

"(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

"(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).".

(2) EFFECTIVE DATE.—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 180 days after the date of enactment of this Act.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(y) of that title.

(d) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO LOCKING DEVICES.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

"(i) suspend or revoke any license issued to the licensee under this chapter; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

The amendment in the second degree I have just sent to the desk requires that all handguns sold in the United States include a child safety lock. I am offering this amendment for one extremely simple reason: to keep our children safe.

The Centers for Disease Control reports that 1.2 million children have access to guns in the home, and a survey sponsored by the National Institutes of Justice found that 34 percent of handgun owners store their guns unlocked and loaded. As long as this continues to be the case, our children are not safe.

I have on this chart just some numbers. In one year, firearms killed no children in Japan—no children; 19 in Great Britain; 57 in Germany; 109 children were killed in France; 153 children were killed in Canada; and in the United States of America, the greatest democracy in the world, the greatest nation in the world, 5,285 children have been killed.

I know that some of my colleagues prefer that I not offer this amendment at this time. They will argue that my amendment is not germane under a strict definition of the term "germane," and I should wait until an authorization bill reaches the floor.

To those colleagues I say today that I have tried. For more than a year, I have waited for the Senate to consider a firearms bill or a crime bill, a juvenile justice bill, any bill to which I could attach this amendment.

As the Senate waited, our schools have exploded in an unprecedented series of shootings, many of which involved unlocked handguns stolen from the home of a friend or family member. As we waited, Mr. President, children across the country have died violent deaths.

I see my colleague from Illinois is here. He has worked on so many important issues, and he is working hard on this issue.

We were together just a few weeks ago with a mother who lost a child in the Arkansas shootout. She approached the microphone and, barely audibly, told us that we have to act. She understands, better than any of us, that our kids are dying. More kids are dying in this country than any other country. And it would be so simple to lower those numbers if we could get these safety locks on these weapons.

So we have waited. I think it is time that we stopped waiting. We have to ask ourselves, How many children must die before we decide it is time to act? We cannot wait. We cannot delay. We must act now. The safety of our children depend on it. I do not think any American wants to turn on the television and witness another one of these shootings that could have been prevented had there been a safety lock on the gun. I am not saying it would prevent every single accident. But, Mr. President, we know it would definitely prevent many of those shootings. We cannot delay.

Of these 5,285 children who were killed by firearms, Mr. President, 440 died as a result of accidental shootings—kids, little kids, usually shot by other little kids, playing with a gun, found in their parents' bedroom or at a friend's home. That is over one child per day.

Look at this chart, Mr. President.

"Boy paralyzed in a gun accident. Cousin, 9, mistakenly thought he removed the bullets from the gun, police say."

"Avra Valley boy shot to death as his best friend handled handgun."

"3-year-old finds gun, kills sister."

You know, we cannot be so jaded that we forget about the personal tragedies every family goes through when this happens. The mother from Arkansas, Suzann Wilson, told us, "I taught my daughter so many things," because she said that "it's a dangerous world." She said, "I taught her never to take a ride from a stranger. I told her, when you walk down the street at night, be with a friend." She said, "I taught her everything I thought I had to. But," she said, "I never taught her, 'Don't go outside when the fire alarm rings in school because some kid may have triggered the alarm and has a gun and is going to kill you.'"

And just listening to her words, we knew we had to act as soon as we could. I know my colleague from Illinois has been a leader in the area of the Brady bill and in the area of making parents responsible when children use a gun. All of these things together are important. And this is very important.

Mr. President, over one child a day—more than one child a day—dies by accident because they are doing what normal children do. Normal children, they explore, they are curious; they find a gun, and they shoot it.

I want to put back the other chart which shows those numbers one more time, because I hope Senators will take a look at these. I am going to expand on some of the stories that I talked about here.

The 3-year-old who found a gun and killed his sister from Fort Myers, FL. Colton Hinke and his 2-year-old sister Kaile were playing in their parents' bedroom when Colton found an unlocked, loaded handgun in a drawer. A neighbor who heard the shot rushed to the scene, found Kaile on her back—her face pale, her lips blue, a small hole in her chest. She was in shock. She was rushed to the hospital, but it was too late.

The neighbor told the Fort Myers News:

> She was a beautiful little girl. She had the biggest blue eyes. . . . The boy didn't even know what was going on. The hardest thing is that they are both innocent victims.

A little 3-year-old brother—it is unbelievable, an accidental shooting of probably the little human being in his life he loved more than anything else.

From Kansas City, KS, a 1-year-old Kansas City girl, shot in the head. Here it is. "1-year-old Kansas City, Kansas, girl shot in the head." This article tells the story of a 1-year-old girl critically

injured when shot in the head by her 3-year-old brother.

Mr. President, something is desperately wrong. Their mother kept an unlocked, loaded handgun under her mattress to protect her family against intruders. But one evening, when she was changing the linens on her bed, she removed the handgun and placed it on a nightstand. It took a few seconds for the 3-year-old son to pick up the gun and shoot his little sister.

A neighbor took the baby to the hospital and later said that the mother "had the baby all covered up, but I could see a lot of blood. I haven't seen that much blood for a long, long time." Miraculously, Mr. President, the little girl survived.

And from Salt Lake City, UT, "Boy Playing With Gun Shoots and Kills 13-year-old Friend." Here it is—Salt Lake City. Three boys were playing in a Salt Lake City home when one found a loaded, unlocked handgun hidden behind the headboard in the master bedroom. You know, kids are very smart. You think you are hiding something from them, but they can find these things. They were horsing around in the bedroom and the gun fired. The victim was transported by helicopter to the hospital too late—he was declared dead an hour later.

Mr. President, I could go on and on. I am not going to take the time of the Senate to repeat all of these stories, because to repeat a story, behind every headline, it would just take too much of the Senate's time. And the other reason is that when you keep telling these stories, you get so sad that you do not want to keep on focusing on the past. But let us talk about what we can do, what we can do to prevent similar tragedies in the future.

My amendment does that. Again, it was carefully crafted by Senator KOHL, Senator DURBIN, and myself. Just think, if the parents of those children, whose terrible stories I have told, were given a safety lock when they bought their handguns, these senseless tragedies—every one of them that I cited here—could have been avoided.

So what is a child safety lock? And how does it work? A child safety lock is simple; it is inexpensive device, designed to prevent the use of a firearm by unauthorized users—very simple. The most common are trigger locks, which fit over the trigger of a gun; and chamber locks, which fit into a firearm's chamber, preventing it from discharging. I have seen these locks. I have used these locks. They are very, very simple to use.

My amendment also defines lockboxes—which are storage cases designed to hold guns securely—as child safety locks. If someone does not want to put a lock physically on the gun, they can lock it in a lockbox and it will qualify under the amendment. These devices are generally locked with a key, although combination and other kinds of locks are acceptable.

Safety locks work. But do not take my word for it. Listen to what Gun Tests magazine, a publication for gun enthusiasts, said about safety locks:

> If a lock is properly designed, it will ward off the curious fingers of those too young to handle firearms responsibly, while conveniently preserving access to guns used for self protection.

So if you need to have the gun for self-protection, it is there.

Even Charlton Heston, president of the National Rifle Association, expressed qualified support for safety locks during an appearance on "Meet the Press" last month.

It is important. We all love children here. Most of us are parents; many are grandparents. I think of my 3-year-old grandson. As responsible parents we ought to make sure that these lethal weapons cannot be used by children.

This amendment is not about taking people's guns away. It aims only to protect children while preserving a citizen's right to keep a firearm in the home for self-defense or any other legitimate purpose.

Again, Senator KOHL actually authored this bill and many of us are cosponsors. The good news is that many of the handgun makers have decided to do this voluntarily, about 75 percent of them. This is good news. The bad news is, 25 percent have not. That means there will be 350,000 guns sold which will not be sold with a safety lock.

If we pass this legislation, the voluntary agreement will move forward and we will make sure that those 350,000 guns that will not be covered by the voluntary agreement will be covered by a child safety lock.

If we pass this amendment, children will live who would otherwise die as a result of accidental gun shootings. Exactly how many? I don't know; let's look at those numbers again. Out of the 5,000 deaths of children, 440 were accidents. Mr. President, I believe of those accidents, we could stop the majority.

I am proud to stand here for the children, to protect them from safety and harm. Child safety locks will do that. I hope we will get an overwhelming vote.

I am happy to yield to my colleague.

Mr. DURBIN. I thank the Senator from California.

I rise in support of the Senator's amendment, first and second degree.

Mr. President, at this point, does the Senator from California retain the floor or is the correct procedure for me to ask for recognition under my own right?

The PRESIDING OFFICER. If the Senator from California is not going to yield the floor, the Senator can respond; if the Senator from California chooses to yield the floor, the Senator may rise and seek recognition.

Mrs. BOXER. I yield for a question to my friend so I can retain the right to the floor at this time.

Mr. DURBIN. I certainly rise in strong support of what the Senator from California is setting out to do. I want to acknowledge that she shares the important position that the Senator from Wisconsin, Senator KOHL, has taken on this legislation.

I have a query of the Senator from California. Many of the critics who come here saying this is unnecessary, it is impractical, are the same people who have lamented, along with all of America, the tragic loss of life involved in children picking up guns. I will offer another amendment later on dealing with what I believe to be the responsibility of gun owners when they have a gun in the presence of a child.

The Senator from California, though, really raises this question about a very important mechanical part of this equation: Shall we put on each handgun in America a device which will protect it so that if the gun owner is not present and a child picks it up, the child can't hurt himself?

I brought with me evidence of that, which I am happy to share with the Senator from California, to show exactly what we are talking about. This is a trigger lock. And this trigger lock, as the Senator from California has noted, is easily disengaged, just with the turn of the key, and opened.

I first saw one of these when I went to Elgin, IL, and the chief of police showed me that every officer going home in the evening takes a trigger lock and puts it on the gun. Of course, the officer may need the gun for self-defense or law enforcement; they don't think a trigger lock is an impediment. With the key not in it, that gun can't be used.

I pose this question to the Senator from California: Is the Senator from California aware that the Federal Bureau of Investigation requires that all of its agents have trigger locks on the guns that they take home in the evening?

Mrs. BOXER. I answer my friend in this way. I heard that is their advice. I was unaware it was a rule. Is my friend saying it is a rule?

Mr. DURBIN. Yes, it is. As a matter of fact, is the Senator aware of the fact that when Mr. Freeh, the Director of the Federal Bureau of Investigation, testified before the Senate Judiciary Committee last year, I asked point blank, "What has your experience been at the FBI with this policy that requires child safety locks or trigger locks to be used by every FBI agent?" And Director Freeh said, "I think it has worked very well. I think it hasn't impeded any readiness or ability to protect. I think it is a very simple but very wholesome requirement. Having five small boys myself, I think it is a very good idea, whether or not it is mandated."

I just ask the Senator from California, is she aware of any of the critics of this legislation who can overcome this testimony from the Director of the Federal Bureau of Investigation that they already use these trigger locks for law enforcement agents who take the guns home in an evening?

Mrs. BOXER. I think it is very difficult to take the other side of this issue. I am sure we will hear it, but try as I might, I can't understand one reason why we shouldn't do this. Seventy-five percent of the makers of guns, I say to my friend, have agreed to do this voluntarily, but still there are 25 percent of the guns that will come on to the market with no safety lock.

Mr. DURBIN. Can the Senator from California tell me what is the cost of one of these trigger locks?

Mrs. BOXER. Five to ten dollars each.

Mr. DURBIN. In my home State of Illinois, the City of Elgin, which has decided to pass a local law, actually subsidized the trigger lock sales so anyone coming to the police department could buy one for $3. So anywhere from $3 for a subsidized trigger lock to a maximum of $10 buys this peace of mind that I think is so important when we consider this trigger lock legislation.

I might ask the Senator from California, your legislation would require, then, a trigger lock be sold with each handgun?

Mrs. BOXER. That is correct. It would be part of the purchase, yes.

Mr. DURBIN. At this point, I yield the floor back to the Senator from California, and at such time as she is finished, I will address it myself.

Mrs. BOXER. I ask unanimous consent that at the conclusion of my remarks the Senator from Illinois be recognized for 15 minutes.

Mr. GREGG. Reserving the right to object, I believe there are other people who wish to address this issue. It would seem fair that we alternate from side to side.

There is nobody on our side now who wants to address it right now. How much longer does the Senator from California plan to talk?

Mrs. BOXER. I have completed my remarks at this time. I am happy to enter into a time agreement on this issue if the managers would like. It is not my intention to hold up this bill as a member of the Appropriations Committee, so if you want to put together a time agreement, it would be excellent.

I know my colleague has been trying to get the floor; we can continue to do questions and answers, because that is another way we could go, but I would prefer if he had an opportunity to speak, following my remarks.

Mr. GREGG. I have no objection.

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

Mrs. BOXER. Mr. President, I will get ready to yield the floor to my colleague from Illinois for 15 minutes of his remarks, but I want to take this opportunity to thank him and again to thank Senator KOHL, who I know will be coming to the floor at some point to talk about this.

I ask unanimous consent that Senator TORRICELLI be added as a cosponsor of my amendment.

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

Mrs. BOXER. I simply say this: If ever there was a matter that was a commonsense matter, this is it. We are losing kids; 5,000 kids are dying. In my State, gunshot wounds are the No. 1 cause of death among children. So anything we can do to prevent that is worth doing.

My colleague has shown a typical safety lock. It is not expensive. Many companies have agreed to do this voluntarily. It seems to me we need to give a boost to those others to join. This law would not adversely impact those who are voluntarily moving forward with these locks.

I am interested to hear the argument against this because it will be hard for me to understand how we could look at this figure, say that we love our children, say that we should be protectors of our children, and still not stand up for our children. We can do it with this amendment. It isn't rocket science, it is a simple child safety lock. Just as we would keep out of the reach of our children anything dangerous, this is the only way to keep guns out of the reach of children.

I want to thank my colleagues for their patience. I am looking forward to an overwhelming vote on this.

I ask unanimous consent Senator MIKULSKI be added as a cosponsor.

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

The Senator from Illinois is recognized for 15 minutes.

Mr. DURBIN. Mr. President, can I say something at the outset? There are people on the floor who oppose this amendment. I will be happy to yield during the course of my statement to debate it. I know they have strong feelings on the other side. I think we can add something to this issue if we have a real debate instead of just monologues on both sides. I invite any Senator on the floor who opposes the Boxer-Durbin-Kohl-Torricelli amendment to feel free at any moment to engage us in a question and debate. I think that would help the public in the galleries and those watching television to follow this debate and to understand the simplicity and the honesty of the amendment offered by the Senator from California.

Let me say that we should look at the scope of this challenge. We are a Nation of 265 million people. We are a Nation of 300 million guns—300 million guns. As we stand here today in the midst of this debate, approximately half of those guns at this moment in time are accessible to children. They are accessible in the drawer behind the socks, in the closet up on the shelf, down in the bottom of the closet behind the shoes—accessible to kids.

As the Senator from California will tell you—and I can attest to it having been a father and now a grandparent—children will always find Christmas gifts and guns. I don't care where you hide them, they are going to find them. When they find a loaded gun, tragic occurrences happen. In fact, in this Nation that we live in, 14 times a day we lose a child to a gun—14 times a day.

What the Senator from California is suggesting is something that is so simple and practical that I think this Senate should go on the record with a vote in support of our amendment. This little trigger lock can save a life. It can save the life of that baby who you love so dearly—the grandchild who means so much to you.

I am going to make a little confession here. I have a conflict of interest in this case, as does the Senator from California. She is the proud grandmother of 3-year-old Zack. I am the proud grandfather of 2-year-old Alex. I am reminded every time we get in this debate of how much of a heartbreak it must have been for the parents and grandparents of those children who came home to find they had lost this baby they loved so much because of a tragic accident. Could it have been avoided? Yes. For the lack of a trigger lock like this one, lives were lost.

Let me tell you something else that troubles me about this debate. The National Rifle Association, to no one's surprise, opposes this. The gun lobby opposes this. Yet, I have spoken to gun owners about this issue, and I get an interesting response from them. How concerned are they about children who are being injured with guns? They are very concerned. They are also troubled that these gun lobby spokesmen stand up in Washington and say, "This is none of your business, you should not be passing laws to do this," because the gun owners I speak to say, to a person, "We never want a single firearm that we own to ever harm anybody in our household or any innocent victim, regardless of their age." These are responsible gun owners who understand their responsibility under the law when they exercise their right to use guns safely and legally.

What the Senator from California is trying to do——

Mr. GREGG. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. GREGG. Mr. President, I bring to the Senator's attention that it is inappropriate under the Rules Committee's rules to bring an item for demonstration to the floor. So I say that if this debate is going to continue, we will not proceed with the demonstration.

Mr. DURBIN. The Senator objects to my showing a trigger lock on the floor?

Mr. GREGG. That is correct. The Senate rules object to your showing that on the floor.

Mr. DURBIN. I am relatively new here, and I am happy to be advised. I will try not to violate the rules.

I ask unanimous consent to display a trigger lock during the course of this debate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I object.

Mr. DURBIN. All right. I think you saw what I showed you, in violation of the rules, a few minutes ago. I think you understand that this tiny object, which could fit in my hand, which I can't pick up under the rules of the Senate and under objection on the floor, is something that is not a major investment by any gun owner, but could bring peace of mind not only to the gun owner, but to other people.

When I held a press conference in Chicago, IL, and invited a friend of mine who had been, unfortunately, a statistic in this debate, he told a story that chilled me about his 10-year-old son. He said, "My wife and I never had a gun in our house because we were afraid that with children around something might happen. We thought we were a safe family. Our son went next door to play with another child. . ." and I guess you can come to a conclusion as to what happened. His child was killed when the neighbor boy picked up a gun, playing with it, shot his son and killed him.

Suzanne Wilson, who testified 2 weeks ago, a mother from Jonesboro, AR, who would have faded into the background of all of the American people who do their duty and raise their families, now has become a national spokesperson. She will not let the death of her daughter in Jonesboro, AR, be forgotten. She is supporting this legislation by Senator BOXER, as well as many other efforts to reduce the likelihood that guns will be fired accidentally or will harm some young person.

I will tell you what. I cannot believe the opponents of this legislation could stand and look this woman in the eye—a woman who sent her daughter to grade school, who loved her with all her heart, kissed her good-bye in the morning, and never saw her alive again. I don't know if we will avoid the tragedy in Springfield, OR, or Pearl, MS, or Jonesboro, AR, or somebody else's hometown, tomorrow if we pass this law, but I know it is the right step forward.

I know this Senate is capable of coming to the conclusion that we can pass laws that will save lives. I know that we are willing to say to certain special interest groups, "No, you have gone too far." We have to use a trigger lock—which I can't show you—to protect our kids. I think that is something that is just basic. How many people in America now buy these clubs that they put on their steering wheels to protect their cars? This is a club to be put on a gun that is easily accessible. I can't show it to you, but you can turn the key and pull it off. Under the rules of the Senate, I can't show you that anymore.

I think you understand what I am saying. This is not a major investment, nor a complicated issue for people who dearly love these children and understand what is at stake. Believe me, this debate is about you, not about States rights, not about the Bill of Rights. This debate is about our children and their lives. That is what is at stake here. This U.S. Senate can come together in a bipartisan fashion and do the right thing for families across America. We will all join in lamenting any gun violence. We will give speeches on the floor, and at home we will send letters of regret and condolences, as we should. But when it comes to the bottom line, how are we going to vote? Representing the people of Illinois, I will vote in favor of this Boxer amendment. I think she is right that we need a new day in this country, which says that we are not going to take guns away but we are going to take guns seriously, and guns not taken seriously become, unfortunately, the objects of crime and the objects of accidents, which break hearts and destroy families forever.

This is not too much to ask. What the Senator from California has proposed should be supported. I have been waiting for those who oppose the amendment to engage me in debate. I hope they will. I am still waiting. Even without my trigger lock, I am waiting. I would be happy to engage any of them in a debate on this issue. I see they are not ready to do so.

I yield the remainder of my time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we have before us this afternoon an amendment offered by the Senator from California that is one of those feel-good amendments. Obviously, the Senator from Illinois has taken the feel-good debate to its ultimate. All of us are dramatically concerned and frustrated when anyone dies in this country accidentally. There is no question that there is always a quick rush to mind saying that there ought to be a law against that—especially if it appears to be an accidental death that occurred because somebody was negligent. Even more reason to want to do something to disallow that kind of an accident from happening.

Now, I do not apologize for the fact that I am an active member of the National Rifle Association, and I believe in trigger locks. I agree with the Senator from Illinois and the Senator from California that trigger locks ought to be employed in the storage of a gun for safekeeping reasons, but I do not believe trigger locks ought to be used on loaded guns.

The gun that killed the child that the Senator from California so dramatically spoke of was a loaded gun, and therein lies the difference. No FBI agent, no Federal agent of law enforcement in our country or State or local law enforcement agent with proper firearm training ever puts a trigger lock on a loaded gun. Why? Because the manufacturer says don't do it. And why does the manufacturer say don't do it? Because trigger locks are not a guarantee of safety—a jostling of the trigger lock, a dropping of the gun, a jamming of the trigger lock object that surrounds the encasing for the trigger could cause it to fire.

That is the reality. I know. I am a pistol shooter. I know about which I speak. But I am for trigger locks. I am for gun safes. I am for drawers with locks on them because I want firearms safely stored in this country so that the citizens who use firearms legally under the second amendment can be guaranteed that that right will never be abridged.

What the Senator from Illinois talks about this afternoon is, in fact, tragic, and, of course, the Judiciary Committee spoke to this issue and said that everyone ought to be made aware of them. Certainly everyone who purchases a gun ought to have a full understanding and knowledge of the use of trigger locks for safekeeping. Should it be a Federal mandate? I don't think so.

Most importantly, it should not offer a sense of false security. That is what is important. And yet I will tell you that the Senator from California speaks of panaceas: But for the trigger lock no child will die. The Senator from Illinois: But for a trigger lock the world will be safer. No, it won't be if the gun is loaded. Now, if the person who owns the firearm is responsible, if the person who owns the firearm does not plan to use it for personal protection and needs it immediately for their access or personal protection, that gun ought to be unloaded. The ammunition ought to be stored separately from the firearm. That is the rule of the game. That is what you are supposed to do as a law-abiding citizen. That is how you properly handle a firearm.

Well, let's talk about tragedies in this country. There is no question that when a small child finds a firearm which a parent has left loaded, and that small child plays with it and either kills him or herself or kills a brother or sister, oh, my goodness, what a phenomenal tragedy. I mourn; we all mourn. Parents who have acted so irresponsibly as to cause their child to die under those circumstances are the responsible parties. The gun should

have been unloaded. The gun should have been properly stored. If it were unloaded, it should have a trigger lock on it. But it does not happen that way all the time. Cars are never intended to kill people, but they kill people every day. Teenagers should drive safely, but they don't. They are very irresponsible at that age. Dramatic accidents happen such as just happened on the East-West Highway locally and teenagers are killed by a very safe car. They acted irresponsibly. They should not have done what they did.

While the number of privately owned firearms in this country has quadrupled since 1930, the annual number of accidental fatalities—and that is what the Senator from Illinois is talking about, accidents—not intentional shootings, accidents—the number of accidents involving fatalities with firearms has declined 56 percent nationwide, against a phenomenal increase in the number of firearms owned by citizens, law-abiding citizens. We don't count the criminals.

Firearms are involved in 1.5 percent of accidental fatalities nationwide, and they are oftentimes the most dramatic or they are oftentimes the most dramatized on the front page of a local, State or national newspaper. And I know why. Because the Senators from Illinois and California speak with the same emotion I do, especially when it is a small child who is involved in that kind of a situation. But let me tell you what is going to kill small children this summer on a 5-to-1, 6-to-1, 10-to-1 basis. It is not going to be a gun. It is not going to be a gun. It is going to be the very thing that the Senator from Illinois has in his drinking glass right now. It is going to be water. More children are going to drown this summer in neighborhood pools and backyard swimming pools—by the hundreds—than will die by a gunshot. And yet the Senator from Illinois is not proposing to outlaw or put locks on swimming pools.

Now, all of those deaths are just as accidental. But, you know, one size fits all and if we have a Federal law, it is going to take care of everybody, and everybody will be safe and the world will be better, and politics will be more clear.

It does not work that way. It should not work that way. We are supposed to be a land without Federal mandates, and yet this year more children are going to die by drowning. Remember, accidental fatalities this year: 4.8 percent by drowning, 1.5 percent by a firearm. But if you really want to get big numbers, more children are going to die this year by falling, probably out of the high chair under the supervision of a careful mother who accidentally turns away or inadvertently turns away or momentarily turns away from her infant child, or maybe the father, and that number is going to be about 13.5 percent, but that does include older people, too. In other words, the reality with which we speak this afternoon is not all black and white, not at all. Death by falling, 13.5 percent; vehicles, cars, 47 percent; poisoning, 11 percent.

When somebody dies by poisoning or by accidental poisoning, it isn't as dramatic because the national media isn't as intent on getting rid of our second amendment rights, so they don't publicize that as much. And they really don't have anything against backyard swimming pools so that only usually is covered by the local or the State media simply because of the tragedy of the loss.

Well, those are the realities with which we speak on this issue. Proper storage of firearms is the responsibility of every gun owner, and also education, safety, training and careful consideration.

All factors that relate to an individual's particular needs are key to this responsibility. That is really the issue here. And I know the Senator from Illinois and I would wish that everybody was appropriately educated on gun ownership, had been through the right schooling or the right training, would always unload their firearm and store it a long way away from its ammunition.

That is not what happens. People oftentimes become not careless, but they just assume. We have seen teenagers breaking into homes. That is stealing. That is theft. And yet we pass laws on that. We have laws against teenagers breaking into homes and stealing things, including guns, and yet they still do it. That is why it is important that we talk about this issue this afternoon. Oh, it is politically very popular. It is the right thing to do in an election year, but it may be the wrong thing to do when it comes to safety and security if it isn't appropriately handled. I recommend trigger locks. If I owned a pistol—and I don't—I would have a trigger lock on it. And it would be empty with a trigger lock on it. But that is the reality of the kind of issues that we debate here.

A general firearm safety rule that must be applied to all conditions is that a firearm should be stored so that it is not accessible to untrained or unauthorized people.

That is the right rule. That is the one that really fits. That is the one that really works well. And then you don't have the accidents to talk about.

Antigun groups overstate the number of firearm-related deaths among children by defining "children" to include anyone through the age of 19. The statistics that have been talked about here on the floor include teenagers acting violently. The reason is, 84 percent of firearm-related deaths—that includes homicide, suicides, and accidents among persons zero to 19 years of age—are accounted for by adolescents and young adults from 15 to 19; 84 percent, 15 to 19 years of age.

No; the examples cited by the Senator from California, while very dramatic and very emotional, are clearly the exception, the horrible exception, and not the rule. So, when we talk statistics this afternoon, and we talk about children, we are talking about zero to 19, by those statistics. At least that is what I am told.

The anti-firearm Children's Defense Fund and other gun control advocates have applied, if you will, the trick to all of the national statistics and data relating to that 1 child for every 90-odd minutes, 10 children out of 5,000—all of those figures. The reality is zero to 19, if anyone listening is interested in those kinds of statistics.

So a few moments ago I was giving you figures about these dramatic deaths that occur when a firearm is misused. The annual number of firearm accidents among children in 1995 fell to an all-time low in 1995—181 children. That is below the age of 15. We are pleased about that number, although terribly saddened, because I think some of the educational programs that some independent groups are using out there right now are helping educate young people to stay away from firearms if they don't understand them and if they have not been properly trained to use them.

Other types of accidental fatalities among children—children of the same category—where there were 181 killed by firearms, there were 3,095 killed in auto accidents. The Senator who is presiding at this moment has worked to dramatically lessen the impact of airbags when they are deployed because mishandled, and the child in an improper seat can be killed by an airbag in a car. I am not sure this Congress has responded to that in a timely and appropriate fashion, although Senator KEMPTHORNE has worked over time to make that happen. It just so happens, it is a 30-to-1 relationship of children who will be killed in auto accidents every year compared to those young people who might be killed by the mishandling of a gun.

I mentioned the local swimming pool. It is a hot day out there. We are fortunate being in an air-conditioned building. Tragically enough, there will probably be more children drowned today across this country accidentally than will be killed by a firearm. The statistics bear it out—1,024 in 1995 killed by drowning.

Fires, suffocation, falling—I have talked percentagewise. Let's talk statistics. Fires: 833 children burned to death in 1995; suffocation, ingestion of an object—we have all—not all of us, many of us—have raised small children. We know how frightened we are about a child's choking on an object, getting something in that mouth, picking up something and swallowing it.

Mr. President, 213 will die, on an average basis, annually because of that. We haven't outlawed small objects, I guess because we cannot, although some here might want to try. But that is the reality of what we deal with.

And the statistics go on and on. There were 44,583 deaths amongst children in 1995; .04 percent firearms. All the rest were the kinds of things that we can do very little about. We should try where we can. We can change the deployment impact of airbags. We probably cannot outlaw backyard swimming pools. We probably cannot mandate better caretakership at the community swimming pool. And somehow, we just can't teach moms and dads about child safety seats and not putting young children in the front seats of their cars. And that still goes on.

So, those are some of the facts and statistics that we will talk about today, probably more than once, as we deal with this issue.

I do not in any way try to misrepresent the intent of the Senators who have offered the amendment. But I will speak to reality based on knowledge. Manufacturers and anyone else knowledgeable in the use of a firearm will say not a trigger lock on a loaded gun—no, no, not at all—because you risk even a greater chance of accidental death. Trigger locks are recommended and should be used on unloaded guns. But that is the reality. So if we mandate it by Federal law, we risk even greater numbers of accidents. You even risk a great number of people violating laws because of the inability to accommodate or live up to this. That is the issue we deal with. That is the issue we will debate for a substantial period of time today.

It is very important that we understand it, because, try as we may as a Congress with good intent, as a Senate and Senators who care a great deal, we cannot legislate out of this life of ours accidental death or we wouldn't have any of the 44,000 children who will die this year die, be it by gun or by car or by drowning or by falling or by choking.

Let me close by saying I forgot to talk about the bicycle and the tricycle and the accidents that occur when children use those in an unsupervised way. We read about that on a regular basis, tragically enough. But I don't think the Senate is going to try to outlaw the tricycle or bicycle today—only the gun—or at least legislate it being mandated as to its management, its handling. That is the issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I come to the floor to support this amendment which would require the sale of a child safety lock with every handgun. This amendment is based on the Child Safety Lock Act which we produced last year with bipartisan support from Senators CHAFEE, DURBIN, and BOXER.

It is a commonsense measure, obviously, and it is not an extreme measure. It is a measure that will reduce gun-related accidents, suicides, and homicides by young people. It will make children safer and it will make mothers and fathers feel more secure in dropping off their children at their neighbors' homes after school.

In brief, all it will do is bring all the industry up to the level of most manufacturers who have already agreed to include safety locks with their guns. Our amendment is simple, effective, and it is straightforward. It requires that whenever a handgun is sold, a child safety device—or a trigger lock—also be sold.

These devices vary in form, but the most common resemble a padlock that wraps around the gun trigger and immobilizes it.

While we want people to use safety locks, we do not require it. In that sense, we treat safety locks like States used to treat seatbelts: You have to buy them, but you don't have to use them.

This amendment is sorely needed. Mr. President, 2,000 young people are killed each year in firearms accidents and suicides. This is not only wrong, it is unacceptable.

While our proposal is not a panacea, it will prevent many of these tragedies. Just today, in the Washington Post there is a story about a Prince George's boy of 4 who shot himself while playing with a handgun that was left laying around by his grandfather. Had that handgun been secured by a child-safety-lock device, this needless tragedy just yesterday would not have occurred.

Safety locks will also reduce violent crime. Juveniles commit more than 7,000 crimes each year with guns taken from their own homes. That doesn't include incidents like the school shooting in Jonesboro, AR, where the guns were taken from the home of one student's grandfather, again, because most of "dad's guns were locked up."

If parents and relatives would use safety locks on these guns, then at least some of these incidents will be prevented. To be sure not all, but some. The fact is that a child with a handgun is an accident or a crime just waiting to happen. Of course, we should commend the gun manufacturers who already have voluntarily agreed to comply with this proposal. But we still need this legislation because too many manufacturers still resist common sense.

The voluntary agreement covers about 77 percent of all new handguns manufactured in the U.S. each year, which is an impressive number. But it still leaves at least 350,000 handguns for sale each year without safety locks. This proposal brings hundreds of thousands more handguns up to the industry standard.

Mr. President, this amendment deserves our support. I thank you, and I yield my time back.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank the Senator from Wisconsin who, in the Judiciary Committee, has shown exceptional leadership on this issue, along with the Senator from California.

I defer to my friend from Idaho who spoke earlier about the member of the National Rifle Association executive board. I am certain his knowledge of firearms and handguns surpasses mine. But I will say that his statement, "No one should use a trigger lock on a loaded gun" apparently depends on the type of lock involved.

I have in my hand from the Safety Lock Company an advertisement that says:

> Lock for life. Hopefully, the garden hose is your kid's most powerful weapon. You no longer have to choose between your home security and your children's safety. Safety Lock is the only child safety lock for guns that can be locked safely while the gun is loaded, permanently installed on a handgun, unlocked in a few seconds, even in total darkness.

It appears it depends on the type of trigger lock or safety lock we are discussing as to whether or not the gun should be loaded.

I would like to address what I think is the more central argument made against this amendment by the Senator from Idaho. I am not surprised by the argument, because we hear it all the time. In legislative circles, it is known as the argument that the best is always the enemy of the good. Someone will come in and say, "Yes, you may save, oh, 5,000 kids' lives a year, but there are 44,000 other lives out there that you ought to try to save, too." I am not going to argue with the Senator from Idaho. I think we should take every reasonable step we can to protect all children in all circumstances.

In this particular case, though, the Senator from California and the Senator from Wisconsin come forward with a practical answer to a problem which haunts families across America with the proliferation of guns in our Nation. They have suggested trigger locks be sold with handguns. It is not an outrageous and radical idea. Law enforcement in America, including the Federal Bureau of Investigation, already uses these trigger locks, and they work.

For the Senator from Idaho to say, well, kids drown in swimming pools, that is a sad reality, too, but we are not about to close down swimming pools. We talk about children being trained, but we also talk about lifeguards and parents' responsibility.

I say to my colleagues, this is about a parent's responsibility, too. No parent is going to take a 2-year-old toddler who has never been in the water and toss him in the swimming pool and walk away. They would never consider it.

Would that parent leave a loaded gun where a 2 or 3-year-old can grab it? Sadly, that is happening time and time again. What we are saying is put a device on that gun that lessens the likelihood that a child is going to be injured.

The National Rifle Association's opposition to this seems to be that it means there is too much Government—too much Government—to ask that we put a safety trigger lock, a child-safety device with each handgun. In States across the United States now, we are adopting laws to mandate children's car seats to protect kids riding in a car. We don't consider that too much Government. We consider that common sense. It is common sense when we are talking about seatbelts, children's car seats, children's seats in airplanes. It is common sense—protect the children. They are too young and immature to protect themselves. A trigger lock does that, too. It is not a matter of too much Government.

The other argument from the National Rifle Association and others is this is too much to ask. You are asking a gun owner to spend another $3, $5 or even $10 to make their gun safe at home?

I don't think that is too much to ask. I really don't. I think this is a reasonable suggestion. I think what you will find is as it becomes commonplace across America, the cost will go down and quality will go up on these trigger locks. That is something that is a reality of life. It is something that is not too much to ask.

The seatbelt analogy, I think, is a good one. The Senator from Idaho made reference to it earlier. What we are talking about here is not putting every gun owner in jail who doesn't have a trigger lock. We are talking about creating an environment of thinking in America.

Let me confess here that when I grew up, the first car I owned didn't have seatbelts in it. I guess you know how old I am. Then for a number of years, I bought cars with seatbelts and promptly sat on them every time I got in the car. Then somebody in my State said, "Let's pass a law and say you have to buckle your seatbelt." I never got arrested for that, and I started using seatbelts. I don't feel all that comfortable without it.

What we are trying to do is say to gun owners across America, "Please join us. This is not taking your guns away. It is trying to create an environment of safety around children." What the Senator from California and the Senator from Wisconsin are suggesting is taking guns seriously. I will offer an amendment later along the same lines, but much like seatbelts, we want people to think twice about those guns.

The Senator from Idaho criticized the bill and said, "Oh, there are so many teenagers who are misusing guns." He is right. There are so many things we need to do about it, and he and I will join in increasing criminal penalties and so many other things that can be done.

In most instances, we are talking about immature children, children who pick up a gun and don't have a clue as to the danger of this weapon, turn it on a playmate, turn it on a sister or brother and tragedy follows.

I think the American people don't believe this is an unreasonable intrusion in their lives. They think it is common sense.

I salute both Senators from California and Wisconsin for their leadership on this. I am happy to stand as a cosponsor of this amendment, and I hope Members of the Senate, gun owners and those who are not gun owners—Democrats and Republicans—will step back for a minute and say this just makes sense. Let us at least save some of these children's lives. Let us put safety into the equation. Let us understand that an industry that has basically fought off every effort to put safety standards on the guns they manufacture should at least not stand in the way of trigger locks to save lives.

I yield back the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senators KOHL and DURBIN for their eloquent remarks and, again, say to my colleagues, it is Senator KOHL's bill that we essentially have here with very few changes. It almost passed the Judiciary Committee. It was defeated by a very narrow margin.

We are going to get a vote up or down on this amendment. I am very pleased about that.

Every single one of us on both sides of this issue absolutely love children. It is just very hard for me to understand that we cannot come together on this commonsense approach.

This amendment does no violence to the right to own a gun, to the right to buy a gun, to the right to use a gun lawfully. It merely says that we are going to make sure that parents, when they buy a gun, have with it a safety lock that is easy to put. And I have to tell my friends and colleagues here, I know if you could meet with just one of the parents of these children who were killed accidentally, you support this amendment.

Of the 5,285 children killed every year by gunfire, more than 440 are completely accidental deaths. And let us think about 400 kids dying accidentally every year and what that means—kids who would have grown up and had families of their own and given joy to their parents and grown to be grandparents. This is a small thing to do. I am always amazed, I say to my friends, that we cannot come together and reach across the party lines on these issues.

I want to put into the RECORD a letter that I received today from the International Brotherhood of Police Officers, or IBPO. And this is what they write. This is important because these are the law enforcement officers:

On behalf of the entire membership of the IBPO, I want to thank you for the amendment that will require that all licensed manufacturers, importers or dealers must include a separate child safety lock or locking device with each handgun purchased. The IBPO strongly endorses your legislation and looks forward to working with you on this important matter.

The IBPO represents street cops.

So these are cops who are on the beat and on the street.

Police officers, the letter goes on are out in the community every day.

By far, the most difficult part of their job is to arrive at home where a gun is left out, unsecured and tragedy has occurred. This legislation simply put will save lives. Each day in America, 16 children, age 19 and under are killed with firearms. Many of these deaths could have been avoided with a simple trigger lock attached to the gun.

My colleagues have shown those trigger locks here. They are very inexpensive. They are very easy to use. And, yes, there is one company that makes them so you could place it on a loaded handgun. So the argument you would have to leave your gun unloaded is simply not correct. However, it should be noted that all law enforcement agencies recommend storing firearms locked, unloaded, and out of the reach of children.

The letter from Kenneth Lyons, the National President of the IBPO, goes on to say: The Centers for Disease Control estimates that nearly 1.2 million unsupervised children have access to loaded and unlocked firearms in the home.

Let me repeat what he writes to us: "1.2 million unsupervised children have access to loaded and unlocked firearms in the home."

It is because of these numbers that this legislation is needed.

I ask unanimous consent that this letter be printed in the RECORD.

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

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS,
Alexandria, VA, July 21, 1998.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union, the third largest union in the AFL–CIO. The IBPO is the largest police union in the AFL–CIO representing over 50,000 police officers nationwide.

On behalf of the entire membership of the IBPO, I want to thank you for amendment that will require that all licensed manufacturer, importer or dealer must include a separate child safety or locking device with each handgun purchase. The IBPO strongly endorses your legislation and looks forward to working with you on this important matter.

The IBPO represents street cops. Police officers who are out in the community every day. By far, the most difficult part of their job is to arrive at home where a gun is left out, unsecured and tragedy has occurred. This legislation simply put will save lives. Each day in America, 16 children, age 19 and under are killed with firearms. Many of these deaths could have been avoided with a simple trigger lock attached to the gun.

I must note for those opponents of child safety locks that the Center for Disease Control estimate that nearly 1.2 million unsupervised children have access to loaded and unlocked firearms in the home. It is because of these numbers that this legislation is needed.

Sincerely,

KENNETH T. LYONS,
National President.

Mrs. BOXER. Another letter comes to us from a heroine of mine, Sarah Brady, whose husband Jim, as you remember, was gunned down when he was the press secretary to President Reagan. She is the head of Handgun Control and writes us a letter today.

DEAR SENATOR BOXER: I am writing to commend you for all your efforts to ensure that every handgun sold in the United States be sold with a child safety lock or other safety device designed to prevent unauthorized use. Jim and I urge all Senators to support this amendment to the Commerce, State, Justice Appropriations.

And she reiterates the facts that we have gone over today.

Every day in America, 14 children, age 19 and under, are killed with firearms. Many of those deaths—accidents, suicides, and homicides—are preventable. One of the best ways of preventing these tragedies is to keep children from gaining access to a gun in the home. Public opinion surveys reveal that almost half of all households own firearms. Regrettably, a substantial number of gun owners improperly store their weapons, leaving them loaded, unlocked or both. A National Institute of Justice survey showed that 55% of all handgun owners keep their handguns loaded, and 34% keep a handgun that is loaded and unlocked.

As Senator KOHL has said—this is recipe for disaster. Unfortunately, we know this isn't a disaster just waiting to happen at some time in the future. If you look at this collage of headlines, this is a disaster that is happening in every city in every town in every suburb. There isn't a day that goes by that I do not get something in a clip from California. And these are from around the country. So this is a disaster that is happening now. Sarah Brady quite understands this. She goes on to write:

. . . the rate of firearm deaths among children 0 to 14 years of age is nearly twelve times higher in the U.S. than in 25 other industrialized countries combined.

So let us look at the other chart one more time, because you can see these numbers: Zero children killed in Japan; 19 in Great Britain; 57 in Germany; 109 in France; 153 in Canada; and 5,285 children killed by handguns in a year in the United States.

We can sit back and say, "So what." We could sit back and say, "Oh, we just have to give another piece of paper that talks about it." Or we can vote for this important amendment and make sure that when the parents buy the gun, it includes a child safety lock.

Now, I think it is important to laud some of the gun companies that have decided to volunteer to put these locks on guns and sell them with those locks without a law. I think it is wonderful that they have done it. They came to the White House and they reached an agreement with the President, and we are going to see more handguns sold with these locks.

However, the problem we have is that about 25 percent of handguns will not have these locks because the companies, including several in my state, have not agreed to this voluntary agreement. This means that about 350,000 guns every year will not be covered—350,000 guns—will not be covered by the voluntary agreement. So we are saying, good for the companies that volunteered to do this. Now let us make sure that everybody does it.

I ask unanimous consent that Sarah Brady's letter be printed in the RECORD.

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

HANDGUN CONTROL, INC.,
Washington, DC, July 21, 1998.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: I am writing to commend you for all your efforts to ensure that every handgun sold in the United States be sold with a child safety lock or other safety device designed to prevent unauthorized use. Jim and I urge all Senators to support the Boxer Amendment to. S.2260, the Fiscal Year 1999 Commerce, State, Justice Appropriations.

Every day in America, 14 children, age 19 and under, are killed with firearms. Many of those deaths—accidents, suicides, and homicides—are preventable. One of the best ways of preventing them is to keep children from gaining access to a gun in the home. Public opinion surveys reveal that almost half of all households own firearms and that, regrettably, a substantial number of gun owners improperly store their weapons, leaving them loaded, unlocked or both. A May 1997 study sponsored by the National Institute of Justice showed that 55% of all handgun owners keep their handguns loaded, and 34% keep a handgun that is loaded and unlocked.

The Centers for Disease Control and Prevention (CDC) estimate that nearly 1.2 million latch key children have access to loaded and unlocked firearms. It is no surprise, therefore, that children and teenagers cause over 10,000 unintentional shootings each year in which at least 800 people die.

According to a February 1997 CDC study, the rate of firearm deaths among children 0 to 14 years of age is nearly twelve times higher in the U.S. than in 25 other industrialized countries combined. Mandating the sale of trigger locks or other safety devices with each handgun purchase is an important first step toward preventing these senseless tragedies.

Yes, great progress has been made. As you know, in October, President Clinton reached agreement with most, but not all, handgun manufacturers that they would voluntarily include a child safety lock with the weapon that they manufacture and sell. Your legislation will ensure that all handguns sold in the United States include this important safety device.

Again, thank you for your efforts to ensure that our children are safe from unintentional gun violence.

Sincerely,

SARAH BRADY,
Chair.

Mrs. BOXER. Mr. President, what we have here is a very straightforward amendment. It simply says, when a handgun is sold, include a lock. If a customer prefers a lockbox, that is acceptable to us, that is fine. And it is endorsed by the police, one of the largest organizations of cops on the beat, Handgun Control, and Sarah Brady. This is something that we can do.

We don't want to wake up in the morning and see these headlines anymore, we don't: "6-year-old Boy Shot at Friend's House." That is in Allentown, Pennsylvania. In New Orleans: "Boy, 6, Shot by his Brother." "Boy Accidentally Shot by Cousin." "17-month-old Shot Accidentally by Boy." "9-year-old Oasis Boy Accidentally Shot." That is in California. "Boy Paralyzed in a Gun Accident."

There is something I want to point out. When we look at the statistics, we don't show the wounded, we show only the fatalities. For every death, up to eight victims are wounded and often live their lives nursing chronic injuries. So what we do here just doesn't deal with preventing deaths, but also with preventing debilitating injuries.

I think I have stated the case as best as I can. I don't know if my colleague from New Hampshire is going to take to the floor, but I do know that Senator BIDEN will be here at 4 o'clock, I say to the chairman. He would like to have an opportunity to speak. If Chairman GREGG would like to enter into unanimous consent that we can set this aside until Senator BIDEN comes, I am happy to do that. That would be, I think, a good way.

Mr. GREGG. That is up to other Members who wish to take the floor. I have no objection.

Mrs. BOXER. There are no other colleagues here.

I ask unanimous consent that Senator SMITH be recognized for 20 minutes, and at that time Senator BIDEN immediately follow.

Mr. GREGG. Reserving the right to object, I just noticed the Senator from Idaho. Did the Senator desire further time? There is a unanimous consent request by the Senator from California. The essence of the request was that

this amendment be set aside, that Senator SMITH from New Hampshire go forward for 20 minutes, then Senator BIDEN would be next, and we would be back on your amendment, with Senator BIDEN speaking at the conclusion.

Mrs. BOXER. And if Senator CRAIG wants to come in at that point, that is fine, and Senator KOHL has some time.

Mr. CRAIG. I have no objection.

Mrs. BOXER. If I could amend the request, Senator KOHL wanted 2 minutes, and then Senator SMITH for 20 minutes, and then Senator BIDEN, and then go back on the bill.

Mr. SMITH of New Hampshire. Reserving the right to object, just to clarify. I have remarks that would not be more than 15 or 20 minutes. The only thing is, I don't know if there are others who may wish to speak for or against the amendment. I didn't want to preclude that opportunity. I certainly have no objection to going back to your amendment. That is perfectly appropriate, and I appreciate your offer—if we could somehow get the timeframe to make my remarks but not to preclude other people coming back to speak for or against my amendment.

Mrs. BOXER. Does the Senator have a different amendment he is about to offer? Is that what this is about?

Mr. SMITH of New Hampshire. I have a separate amendment.

Mrs. BOXER. I am trying to accommodate my friend because I thought he had a statement to make, a 20-minute statement to make.

Mr. SMITH of New Hampshire. No; I have an amendment.

Mrs. BOXER. Is it an amendment that would be accepted?

Mr. SMITH of New Hampshire. No.

Mrs. BOXER. I was trying to accommodate my colleague, but I think it is better to go with the flow of this amendment. I know Senator KOHL wants to speak, Senator DURBIN, Senator CRAIG, so I suggest we stay on this amendment.

I am trying to accommodate my colleague.

Mr. GREGG. The Senator has the floor. When the Senator yields the floor, it will be up to the Chair as to who gets recognized. At this time there doesn't seem to be a unanimous consent that is agreeable.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I object.

Mr. SMITH of New Hampshire. Could I suggest a unanimous consent request. Let me make one and see if it is acceptable.

I make a unanimous consent request that I be allowed to offer my amendment to speak not more than 20 minutes, after which time we would go back to the amendment of the Senator from California.

Mrs. BOXER. I have no objection, but I would ask my friend if he could give just one minute to Senator KOHL, then set aside the BOXER amendment, go to the SMITH amendment, and then return for Senator BIDEN's discussion of the BOXER amendment.

Mr. SMITH of New Hampshire. But not to preclude additional time after your amendment is completed.

Mrs. BOXER. Absolutely not.

The PRESIDING OFFICER. Does the Senator from California withdraw the unanimous consent?

Mrs. BOXER. I will go along with Senator SMITH's unanimous consent request, as I modified, so Senator KOHL can speak for 1 minute.

The PRESIDING OFFICER. The Senator withdraws.

Mrs. BOXER. I withdraw.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from New Hampshire?

Without objection, it is so ordered.

The Senator from Wisconsin is recognized for 1 minute.

Mr. KOHL. Thank you, Mr. President.

Just a couple of brief points. Even though Senator CRAIG and those of us on the other side differ on this amendment, I have no doubt that Senator CRAIG is committed to ensuring gun safety. In fact, he was instrumental in passing our 1994 law, the Youth Handgun Safety Act that prohibits kids from having handguns.

Second, we have really come a long way in the last few years. Today everybody, from the NRA to the gun manufacturers to police advocates, is advocating for handgun control because all believe that trigger locks, child safety locks, are helpful in preventing gun-related harm.

No matter what the outcome is on this vote, I am sure we will continue to work for a consensus. Someday, I believe we will reach one on the issue of kids and guns.

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

AMENDMENT NO. 3233

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 3233.

Mr. SMITH of New Hampshire. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

"SEC. . None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) any system to implement 18 U.S.C. 922(t) that does not require and result in the immediate destruction of all information, in any form whatsoever, submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm; (2) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); provided, that any person aggrieved by a violation of this provision may bring an action in the federal district court for the district in which the person resides; provided, further, that any person who is successful with respect to any such action shall receive damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee. The provisions of this section shall become effective one day after enactment."

Mr. SMITH of New Hampshire. Mr. President, I ask for the yeas and nays on my amendment.

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

The yeas and nays were ordered.

AMENDMENT NO. 3234 TO AMENDMENT NO. 3233

Mr. SMITH of New Hampshire. Mr. President, I send a second-degree to my own amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 3234 to amendment No. 3233.

Mr. SMITH of New Hampshire. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

In the pending amendment, strike all after the word "SEC." and insert in lieu thereof the following:

"SEC. . None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) any system to implement 18 U.S.C. 922(t) that does not require and result in the immediate destruction of all information, in any form whatsoever, submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm; (2) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); provided, that any person aggrieved by a violation of this provision may bring an action in the federal district court for the district in which the person resides; provided, further, that any person who is successful with respect to any such action shall receive damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee. The provisions of this section shall become effective upon enactment."

Mr. SMITH of New Hampshire. Mr. President, this amendment relates to the Federal Bureau of Investigation's new National Instant Criminal Background Check System, otherwise known as the NICS, which is scheduled to take effect on December 1 of this year.

The so-called Brady Act had two provisions. One of those provisions was an interim provision, and the other was a

permanent provision. In the interim provision is the waiting period for gun purchases that is now in effect but which will expire on November 29 of this year.

Now, the permanent provision, which takes effect on December 1, mandates—I emphasize the word "mandate"—mandates the establishment of a National Instant Criminal Background Check System, known as the NICS, which is to be operated by the Department of Justice.

The purpose of this National Instant Criminal Background Check is to prevent the purchase of guns by persons with criminal backgrounds who are prohibited otherwise from owning firearms. Under this new system, persons seeking to buy guns will be required to submit certain identifying information for clearance through this NICS.

Now, this raises serious concerns. I have concerns here that the FBI has stated that in cases where the NICS background check does not locate a disqualifying record, information about that individual, according to the language, will only be retained temporarily for audit purposes and will be destroyed after 18 months.

My question to my colleagues is this: Why hold on to this information for 18 months? These are innocent people who have no disqualifying record. They are entitled, under the second amendment, to own their firearms. I don't think any records ought to be kept for 18 minutes, let alone 18 months. There is simply no reason that the FBI needs to retain private information on law-abiding American citizens—in this case, gun owners—for any time at all, let alone for 18 months.

There are no legitimate audit purposes for retaining private information on law-abiding gun owners in the FBI. Now, we have seen abuses. We have seen files turning up from the FBI on individuals who happen to appear in the White House, and on and on and on. This is an opportunity to abuse the privacy rights of millions of American gun owners. It is simply wrong if you didn't do anything. If your record is clear and there is no disqualifying information, then there should be no record kept, period.

I have heard a lot from law-abiding gun owners in the country who view this FBI gun owners ID record retention scheme as an ominous step toward national gun registration, which I believe is probably the ultimate goal here. Justifiably, in my view, they see this plan as a threat to their second amendment right under the Constitution of the United States. I agree with them. I feel deeply about this. I emphasize again that FBI files have been abused, and to keep, for any period of time—especially as long as 18 months—files on people who have done nothing wrong, in the FBI, is wrong.

Stated simply, my legislation will put a stop to the FBI's plan to keep records of private identifying information on law-abiding citizens who buy guns. My amendment will require the immediate destruction of all information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

Mr. President, my amendment has another purpose as well. The Department of Justice has proposed to charge fees—a gun tax, if you will—for the NICS, using the authority of a provision in the 1991 Commerce, Justice, State Appropriations Act.

As Appropriations Committee Chairman STEVENS noted when he introduced the No Gun Tax Act of 1998 earlier this year, the 1991 Appropriations Act was passed 2 years before the law establishing the National Instant Criminal Background Check System.

Moreover, as Chairman STEVENS properly observed, the 1991 act "was never intended to allow fees under the NICS program." "This limited 1991 authority," Senator STEVENS noted, "allowed fees only 'to process fingerprint identification records and name checks for noncriminal justice * * * and licensing purposes.'" "It was not intended," concluded Senator STEVENS, "to apply to programs like the NICS program, which checks the criminal background of purchasers and has nothing to do with licensing."

In introducing his No Gun Tax Act of 1998, which I was honored to cosponsor, Senator STEVENS also aptly observed that, "The imposition of a fee would encourage some to try to obtain firearms on the black market." "No matter how you feel about gun control," Senator STEVENS said, "we should all do what we can to make sure that the new background check system works."

My amendment would prevent the use of funds by the Department of Justice for the "implementation of any tax or fee" in connection with the implementation of this new National Instant Criminal Background Check System.

Under the second amendment, law-abiding American citizens have the right to own a firearm. And if the Congress, in its wisdom, decides that we are going to have this background check and a person is not disqualified, he or she should not have to pay for it. It is their constitutional right to have a weapon if they are honest, law-abiding citizens, and they should not have to pay a fee because somebody said they needed to check to find out if they were honest people or not. It is wrong. This is "big brother," Mr. President, and it is wrong.

So my amendment would create a civil cause of action, as well, on behalf of any person who is aggrieved by a violation of this act, which can be brought in the Federal district court for the district in which the person resides. So if your rights are violated, then you have a right to take this matter to court, as any citizen would. If successful, such a lawsuit would entitle the gun owner wronged by a violation of the provisions of my amendment to an award of damages and any other remedies deemed to be appropriate by the court, including attorney's fees.

We must not allow a trampling of the second amendment. We must not allow fees to be charged to people who have done nothing except own a firearm and be legal, law-abiding citizens. They should not have to pay a fee. I hope this amendment will have broad support. The sound operation of the new National Instant Criminal Background Check requires neither the retention of ID records on law-abiding gun purchasers nor the imposition of a user-fee gun tax.

So, in conclusion, let me just say, No. 1, my amendment says if the background check is conducted, no record is kept if you have done nothing wrong, you are a law-abiding person, and you are entitled to that gun. No record is kept, period. Secondly, no fee is charged. Thirdly, if records are kept in violation of this act, then you have a remedy in court.

That is the amendment, Mr. President. So I say to my colleagues, if you support the second amendment and the rights of law-abiding people not to be harassed, you will support my amendment. We have seen harassment by the IRS, and this will invite harassment by the FBI if we do not stop this process. How many files will be retained? What information will be used on these people in these files? When I think of the FBI and I think of a file held in the FBI on somebody, I think of someone perhaps doing something wrong or being accused of doing something wrong. These people have done nothing wrong, except own a gun. That is not wrong; that is legal under the Constitution of the United States.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. GORTON). Is there a sufficient second?

There is not a sufficient second.

Mr. GREGG. Mr. President, is the Senator asking for the yeas and nays on the second-degree amendment?

Mr. SMITH of New Hampshire. Yes.

Mr. GREGG. You are going to want yeas and nays on both?

Mr. SMITH of New Hampshire. The second-degree amendment will be the first one voted on. I would be happy to vitiate them on the second vote, but I need to have a vote on the second-degree amendment.

Again, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, we will go back to the Boxer amendment.

Mrs. BOXER. Mr. President, Senator BIDEN has sent word over that his time

can be taken by Senator KOHL and myself. Senator BIDEN was going to talk for 15 minutes. I ask that that time be divided between Senator KOHL and myself.

The PRESIDING OFFICER. There is no order to that effect.

Mrs. BOXER. I want to give some time to Senator KOHL. I have no need to talk on and on.

The PRESIDING OFFICER. Does the Senator from Wisconsin seek recognition?

Mr. KOHL. Yes, I do.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I oppose this amendment for two reasons. First, while I have a great deal of respect for Senator SMITH—I was in the room when we wrote the Brady Act—along with Senators Dole, Mitchell and Metzenbaum. Certainly no one in that room believed that you couldn't charge fees under Brady. If anything, we expected that fees would be charged for doing checks. Nothing in Brady's legislative history leads me to change my mind.

Fees for background checks are nothing new. In fact, when we negotiated Brady, all of us were aware that the FBI charged fees for other background checks. And no one was surprised that, once Brady became law, 39 States authorized fees for State-run Brady checks. No one is questioning these other fees.

Second, prohibiting fees—without otherwise providing the funding necessary to support the instant check system—would endanger the Brady Act. The instant check system, which was originally proposed by the NRA itself, is an essential part of Brady that is scheduled to replace the State-run system at the end of this year.

Of course, these instant checks will cost money. The FBI believes it will need about $75 million to pay for additional staff and resources. Unless the instant check system gets funded, these checks will not happen. No funding, no checks. And no checks means more criminals with guns and more violence.

Now, in my opinion, it doesn't matter whether the funding for instant checks comes from fees or from a separate appropriation, but we need funding from somewhere, and we should not make the FBI choose between cracking down on violent gangs and doing instant checks. But this amendment provides no alternative funding.

Mr. President, the real issue before us is this. We can pay for instant checks and build on the Brady Act's record of stopping nearly 150,000 criminals from buying guns, or we can leave Brady's future up in the air and risk putting more guns in the hands of dangerous felons. In my view, the choice is easy. I do not want to see the FBI make a "profit" on these fees, but we need to make sure that background checks continue saving lives by defeating this amendment.

I thank the Chair. I yield for the Senator from California.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair.

AMENDMENT NO. 3231

I assume we are getting close to a vote on this amendment. I want to make a point here. I do not believe that this child safety lock amendment is a panacea—the cure-all, which will stop all kids from dying. But it will help. And I believe we must do whatever we can to help.

I want to talk to you about a survey that was done by the Violence Policy Center called "Kids Shooting Kids." These are stories from across the Nation of unintentional shootings among children and youth. This is a 9-month period in 1996. You read a story and you think, "This is horrible," and you don't realize the extent to which this is affecting our families and hurting our children.

So what I would like to do is read a number of these cases with this point in mind, to show you how widespread this crisis truly is. It is not a panacea, but I believe it will save children's lives—maybe 100, maybe 200, a year.

As you hear these stories, what I want you to do is ask yourself a question, I say to my colleagues: If there was a lock on that gun, would this accident have happened? That is what I am asking you to do. Put the commonsense test to it.

"Two boys hurt when pistol fires." This one is in Mobile, AL.

Two boys looking under a mattress for loose change found a pistol instead. When the weapon discharged, Jacob Lewis, 7, lost a finger. His friend, Michael Moore, was hit in the face, the neck and the abdomen. Jacob's grandfather, Art Lewis, kept spare change under his mattress, along with a handgun. "They knew I kept some change there, but they had no business going back into that bedroom," Jacob's grandfather said.

Jacob was treated and released. Michael was still in the hospital listed in stable condition. Lewis said his son gave him the gun two weeks ago for protection because he was alone. He said, "I have never had a pistol." He kept the handgun loaded. He says, "I don't want a pistol. I don't want anything like this in my life."

That is what happened after the accident.

Valdez, AK. This is a picture of this little child, 8 years old. Front page story:

An 8-year-old Valdez boy died Saturday of a gun shot wound after he and his 10-year-old brother had been playing with a handgun in their Aleutian village home. Steven Lind Johanson was pronounced dead at Valdez Community Hospital of a single shot to the head.

They said the results would be known later. "All we know at this point is they were playing with guns." For whatever reason, the little boy got shot.

So here you have this cute little boy with a little space in between his teeth. He hadn't even gotten all of his teeth yet. He is dead:

Boy 15, shot in the face with a .357 in stable condition.

This is in Alaska. He was playing with a gun.

My understanding is he may lose some of his hearing. The boy thought the chamber was empty and happened to pull the trigger. The gun was stolen.

It goes on: A 14-year-old Amber Valley boy shot in the head and killed while he and his best friend were handling a handgun.

These are not kids in gangs. These are not kids who are vicious. These are ordinary children who are doing what ordinary children do, which is to be curious, which is to imitate what they see in the movies. Had there been a safety lock, these little children might be alive today.

These stories go on and on:

Glendale boy finds gun. Accidentally shot, .22 caliber revolver.

9-year-old Oasis boy accidentally shot. Victim in serious condition.

3-year-old finds gun, kills sister.

Unbelievable.

Boy paralyzed in gun accident.

That is in Atlanta, GA.

17-month-old shot accidentally by boy, 3.

Accidentally shot by a playmate.

Boy, 11, dies in a gun mishap.

It just goes on and on.

So we can say there is nothing we can do, and we could say let's pass a sense-of-the-Senate that parents should be shown all of this. That is fine. I don't have any problem with that. But we have to do something real, and that thing is to put locks on guns.

So I was hoping against hope that we could, Senator CRAIG and I, join hands on this one, that we could agree on this one, because I know we have certainly argued on other issues. I am quite surprised that we can't reach agreement on this. I think it is common sense. I think it is good law.

Mr. President, I hope we can have a vote on this. I hope we will succeed on this. It is not my hope to speak much longer, only to respond if there is something that is put out that I think is merits a response. But I ask unanimous consent that the rest of these stories be printed in the RECORD, not the entire group but a representative sample of stories that I have shared with my colleagues.

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

[From the Macon Telegraph, Dec. 17, 1995]

17-MONTH-OLD SHOT ACCIDENTALLY BY BOY, 3

(By Joe Kovac, Jr.)

A 17-month-old girl who was accidentally shot in her arm was recovering in a Macon hospital Saturday night. The shooter, police said, was a 3-year-old playmate.

The victim, Yanita Grier, was shot one time with a .38-caliber revolver apparently left lying out in a bedroom, detectives said.

The child was in "stable" condition at The Medical Center of Central Georgia late Saturday.

The 3-year-old boy who'd been handling the gun told an investigator he'd picked it up and that it fired when he dropped it.

"My heart dropped when I went in and saw (what had happened)," said officer Cornelius Pendleton. "There shouldn't have been a gun there like that."

The 7 p.m. shooting happened in a two-bedroom apartment at 709-A Patton Ave., a block east of Henderson Stadium, where between 10 and 13 children were living with three adults, police said.

The wounded girl's mother, Denita Grier, 28, along with other adults there, told police she didn't know there was a gun in the apartment.

"They were shocked to hear the shot," said detective Capt. Henry Gibson.

He said the gun belonged to the boyfriend of one of the residents.

Initially, police were trying to figure out how the 3-year-old, whose name was not released, managed to squeeze the trigger.

Only when a detective was able to talk to the child did the shooting become more comprehensible.

"It was very disturbing, kind of nerve-racking, when you arrive on the scene and they tell you a 17-month-old has been shot with a .38," Gibson said. "When we asked who the suspect was, they said it was a 3-year-old child."

No charges are expected to be filed in the incident.

[From the Okawville (IL) Times, Mar. 6, 1996]

CHILD SHOT WHILE PLAYING WITH GUN

Zach Muncy, 12, was shot in the chest as he and friend Josh Mathews were playing with a small gun at the home of his grandmother, Voneda Impastato, Thursday evening.

The bullet hit Muncy's sternum. He was taken by ambulance to the Washington County Hospital, where he underwent emergency surgery to have the bullet removed. He was released the next day, and was able to return to school Tuesday.

The bullet struck only a half-inch from Muncy's heart, which would have proved fatal.

Mathews received only minor injuries on his chest from fragments of the ammunition that exploded. He was treated and released at the hospital the same evening.

According to the Okawville Police report, the youths were handling a small caliber pistol. They had apparently placed old (and perhaps ammunition not designed for the gun) in the chamber. A round was fired and exploded in the weapon itself.

Voneda Impastato said that the boys had found the gun. She was not at home when the accident occurred.

Zach Muncy moved in February from Taylorville to live with his grandmother at the Senior Apartments in Okawville. He had formerly lived in Okawville with his parents, Dennis Muncy and Jean Muncy Gaynor, who have since divorced and live in Taylorville.

Mathews lives with his father, Randy Mathews in Okawville.

No charges are pending in the incident.

[From the Chicago Daily Southtown, Apr. 27, 1996]

BOY, 11, DIES IN GUN MISHAP

(By Stephanie Gehring and Janis Parker)

A 15-year-old Auburn-Gresham neighborhood boy was charged with involuntary manslaughter Thursday after he accidentally shot and killed an 11-year-old friend while playing with a handgun.

Bryant Suttles, 7842 S. Winchester Ave., was shot once in the head with a 9mm semiautomatic handgun while the two boys were in Suttles' basement about 5:30 p.m. Thursday.

The 15-year-old, whom police would not identify, first told police he and his friend had found the gun in a drawer. The 11-year-old took it out, pointed it at his head and shot himself. But the 15-year-old later admitted he was the one handling the gun, Calumet Area violent crimes Sgt. Larry Augustine said.

[From the Atlanta (GA) Constitution, Feb. 16, 1996]

BOY PARALYZED IN GUN ACCIDENT—COUSIN, 9, MISTAKENLY THOUGHT HE REMOVED BULLETS, POLICE SAY

(By Bill Montgomery)

A 10-year-old College Park boy was paralyzed when shot accidentally by a 9-year-old cousin playing with a handgun he thought was unloaded, police said.

Somari Smith was paralyzed from the chest down in the shooting Wednesday at his home at Harbour Towne Apartments on Riverdale Road, Clayton County police said.

Somari was listed in critical but stable condition at Eggleston Children's Hospital on Thursday evening.

Clayton County police Lt. Doug Jewett would not identify the boy who fired the shot, pending further investigation. Jewett said the shooting apparently was an accident.

The 9-year-old thought he had unloaded the .25-caliber semiautomatic pistol by removing the magazine and did not realize a round remained in the chamber, Jewett said.

Somari's stepfather, Michael Williams, 32, had left the boys and a 2-year-old cousin alone at the apartment while he went to pick up his wife from her job in Atlanta, Jewett said.

The 9-year-old called 911 for help, police said, and met the officer who responded at the door. Officer B.E. Kelley found Somari lying in an upstairs bathroom. The officer saw blood on Somari's chest, arms and the rug beneath him, and the boy complained he had no feeling in his legs.

[From the Fort Myers, FL News-Press, Jan. 15, 1995]

3-YEAR-OLD FINDS GUN, KILLS SISTER—PARENTS COULD FACE CHARGES

(By Bob Norman)

Three-year-old Colton Hinke was sitting in the corner of his parent's dark bedroom Sunday night, silent and trembling, a .25-caliber pistol having just gone off in his hand.

His 2-year-old sister, Kaile Hinke, was on her back on the apartment's family room floor at Player's Club, staring upward, her lips blue, her face pale, a little hole in her upper right chest.

Kaile was in shock after being shot by Colton at about 7:15 p.m. Thirty minutes later she would be declared dead at Lee Memorial Hospital, surrounded by her grieving parents, who under state law could be charged in her death.

Colton had pulled the loaded gun out of a drawer in the bedroom, said Chris Robbins, a neighbor who heard the gunshot and discovered the little girl.

"The boy didn't even know what was going on," Robbins said, "The hardest thing is that they are both innocent victims."

Colton and Kaile were in their parents' bedroom playing while their mother, Sherri Hinke, 24, was in another room, according to police. The father, 27-year-old Michael Hinke, was at work at Domino's Pizza.

When Robbins heard the gunshot, he ran to the apartment and found the mother in hysterics, kneeling over her daughter, who still was breathing.

"Where has she been shot?" he asked her.

"I don't know," cried the mother.

"Lift up her shirt," he instructed.

When she did so, he saw the little hole in her chest. Robbins then ran into the bedroom to see Colton.

"I just picked him up and took him outside," Robbins said, "He was just scared, shaking. I rubbed his back and told him everything's going to be OK and that he had to be a good boy."

Michael Hinke rushed from his job to the apartment off Colonial and Evans avenues, and he and his wife were taken by police to the hospital.

"My daughter is dying," Sherri Hinke said, overcome with emotion.

Robbins, 33, a former Army Ranger who was visibly shaken by the tragedy, followed the family to the hospital.

"She was a beautiful little girl," a red-eyed Robbins said after leaving Kaile's bedside. "She had big . . . she had the biggest blue eyes. But I'm so worried about the little boy. I hope he gets help."

Colton was put in his grandmother's care after the shooting, Robbins said, adding that he apparently had realized what had happened.

"The family told me that he said, 'Nana, I shot my sister,'" he said.

Under a state law passed in June 1989, parents can be charged with a misdemeanor if they leave loaded firearms where children can get to them. If a child injures or kills someone with a gun, the parents could be charged with a felony punishable by five years in prison.

Fort Myers police hadn't filed any charges as of Sunday night.

"Until they get done with all the interviewing and find out all the facts of the case, there won't be any charges," Sgt. Kevin Anderson said.

Accidental gunfire deaths have been a leading cause of death of children aged 5–14 for years. It is rare, however, for children younger than 5 to die in accidental gunfire, according to state statistics.

Neightors, many of whom heard the gunshot, were shocked when they heard what had happened.

"Maybe you just might want to part with your firearms when you have children in the house," said neighbor Chris Marsella, 29. "Or at least keep them locked up somewhere."

[From the Palm Springs, CA Desert Sun, Feb. 19, 1996]

9-YEAR-OLD OASIS BOY ACCIDENTALLY SHOT

(By Kenny Klein)

OASIS—A 9-year-old boy was shot in the chest Sunday while he and a 14-year-old friend played with a loaded handgun in the older boy's home, sheriff's deputies reported. No adults were in the mobile home when the shooting occurred, deputies said.

The younger boy, Angel Gomez of Oasis, was listed in serious condition at Desert Hospital in Palm Springs late Sunday after having surgery to remove the bullet, which entered his left arm and passed into his chest, Riverside County sheriff's deputies said.

The 14-year-old Oasis boy who deputies would not identify, was detained and turned over to Riverside County Child Protective Services because his guardians, believed to be an aunt and uncle, could not be located Sunday afternoon.

"He's not walking away from this," sheriff's Sgt. John Carlson said. The boy is "terrified and scared out of his wits."

The shooting, which deputies believe was accidental, happened about noon inside the mobile home in the 72–7090 block of Pierce Street, deputies said. The two boys apparently found the medium- to large-caliber handgun and began playing with it, deputies said.

The gun went off and struck the 9-year-old, Carlson said. The 14-year-old boy ran to a nearby mobile home where the neighbor called 911, Carlson said.

"When questioned, the 14-year-old said that the other boy shot himself," Carlson said. "The location of the wound makes that story extremely unlikely."

Deputies and an investigator waited at the mobile home for the older boy's aunt and uncle to return, but hadn't located them by 9 p.m. Investigators planned to search the mobile home for the weapon, they said, because the older boy refused to tell them where it was.

The aunt and uncle could face a felony charge of leaving a loaded firearm where a child can obtain and improperly use it, Carlson said. The maximum sentence for a conviction would be three years, he said.

The 9-year-old boy lives near the park and often hangs around the area, deputies said.

"Angel is such a nice boy but the other boy is a little wild," said trailer park resident Raquel Sanchez, 39. "I can't believe this happened."

Angel's family feared for his life.

"I hope my brother is going to be OK," said 13-year-old Blanca Gomez, the boy's sister. "I'm so worried."

Both boys attend Oasis School, she said.

Mrs. BOXER. I yield the floor at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MOTION TO COMMIT WITH AMENDMENT NO. 3235

(Purpose: To provide for firearms safety, and for other purposes)

Mr. LOTT. Mr. President, I move to commit the pending legislation to the Judiciary Committee to report back forthwith in status quo with an amendment as follows.

I send the text to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] moves to commit the pending bill to the Judiciary Committee with instructions to report back forthwith in status quo and with the following amendment, No. 3235.

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

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

The amendment (No. 3235) is as follows:

In the appropriate place insert the following:

SEC. . FIREARMS SAFETY.

(a) SECURE GUN STORAGE DEVICE.—

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) CERTIFICATION REQUIRED IN APPLICATION FOR DEALER'S LICENSE.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).".

(c) REVOCATION OF DEALER'S LICENSE FOR FAILURE TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES AVAILABLE.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: "or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device)".

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(A) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(B) as establishing any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. . FIREARM SAFETY EDUCATION GRANTS.

(a) IN GENERAL.—Section 510 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) undertaking educational and training programs for—

"(A) criminal justice personnel; and

"(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;";

(2) in the first sentence of subsection (b), by inserting before the period the following: "and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c)"; and

(3) by adding at the end the following:

"(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

"(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

"(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

"(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

"(A) is not of a sufficient size to justify an evaluation; or

"(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of enactment of this Act.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3236 TO INSTRUCTIONS

(Purpose: To provide for firearms safety, and for other purposes)

Mr. LOTT. I send an amendment to the desk to the instructions and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3236 to the instructions.

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

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

The amendment is as follows:

Strike all after the first word of the amendment, and insert the following:

SEC. . FIREARMS SAFETY.

(a) SECURE GUN STORAGE DEVICE.—

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) CERTIFICATION REQUIRED IN APPLICATION FOR DEALER'S LICENSE.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).".

(c) REVOCATION OF DEALER'S LICENSE FOR FAILURE TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES AVAILABLE.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: "or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device)".

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(A) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(B) as establishing any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. . FIREARM SAFETY EDUCATION GRANTS.

(a) IN GENERAL.—Section 510 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) undertaking educational and training programs for—

"(A) criminal justice personnel; and

"(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;";

(2) in the first sentence of subsection (b), by inserting before the period the following: "and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c)"; and

(3) by adding at the end the following:

"(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

"(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

"(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

"(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

"(A) is not of a sufficient size to justify an evaluation; or

"(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) October 2, 1998; or

(2) the date of enactment of this Act.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3237 TO AMENDMENT NO. 3236

(Purpose: To provide for firearms safety, and for other purposes)

Mr. LOTT. I now send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3237 to amendment No. 3236.

The amendment is as follows:

Strike all after the word "Firearms" and insert the following:

SAFETY.

(a) SECURE GUN STORAGE DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) CERTIFICATION REQUIRED IN APPLICATION FOR DEALER'S LICENSE.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).".

(c) REVOCATION OF DEALER'S LICENSE FOR FAILURE TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES AVAILABLE.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: "or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device)".

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(A) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(B) as establishing any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. . FIREARM SAFETY EDUCATION GRANTS.

(a) IN GENERAL.—Section 510 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) undertaking educational and training programs for—

"(A) criminal justice personnel; and

"(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;";

(2) in the first sentence of subsection (b), by inserting before the period the following: "and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c)"; and

(3) by adding at the end the following:

"(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

"(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

"(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

"(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

"(A) is not of a sufficient size to justify an evaluation; or

"(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.".

UNANIMOUS CONSENT REQUEST

Mr. LOTT. Mr. President, I will be happy to withdraw this action just taken if the Senator from California would be willing to agree to the following consent, which I will now propound. This consent would allow for a vote in relation to the Craig gun safety issue as well as the Boxer trigger lock issue. I hope the Senator would consider and would agree to the consent.

I ask unanimous consent, then, that the pending Boxer second-degree amendment be withdrawn and the motion to commit be withdrawn and the first-degree amendment be laid aside and Senator CRAIG be immediately recognized to offer a first-degree amendment relative to gun safety.

I further ask that there be 90 minutes for debate on both the Boxer and the Craig amendments combined, to be equally divided between Senators CRAIG and BOXER, with no second-degree amendments in order to either amendment, and following the conclusion or yielding back of time, the Senate proceed to a vote on or in relation to the Craig amendment, to be followed immediately by a vote on or in relation to the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, this may work out fine, I say to the majority leader. We just want a little time to share it with a few Senators here who are very involved in this amendment. So at the moment I will object, keeping the door wide open to eventual agreement, but we would like to have about 15 minutes to look it over.

Mr. LOTT. If I might say to the Senator's objection, I think this is a fair way to consider this issue. The Senators have time to state their position on both sides of the issue and we could then come to a vote on both of them. My effort here is to try to get it set up in that way where each side gets a fair vote, each side gets a fair time to debate it. I hope the Senator will give consideration to that. If the Senator likes, until we can decide exactly how we might proceed, 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. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Boxer second-degree amendment be withdrawn and the motion to commit be withdrawn and the first-degree amendment be laid aside and Senator CRAIG be immediately recognized to offer a first-degree amendment relative to gun safety.

I further ask unanimous consent that there be time between now and 4:45 for debate on both the Boxer and the Craig amendments combined, to be equally divided between Senators CRAIG and BOXER, with no second-degree amendments in order to either amendment; that following the conclusion or yielding back of time, the Senate proceed to a vote on, or in relation to, the Craig amendment, to be followed immediately by a vote on, or in relation to, the Boxer amendment; further, that there be 2 minutes of debate prior to the vote in relation to the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, and I shall not object, I ask the majority leader if he will be willing to allow a straight up-or-down vote on both measures and rule out the tabling motion. Will he be willing to incorporate that in the UC?

Mr. LOTT. First of all, I thank the Senator for working with us to get what I believe to be a fair amount of time and a vote on each issue. We will not be able to amend it to allow for that vote. We have to have the option for a motion to table.

Mrs. BOXER. I am disappointed, because I think it is a very clear vote: Either you are for child safety locks or not. I would have preferred that, but in the interest of moving this bill forward, I do not object to the unanimous consent request.

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

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I will be offering a first-degree amendment in a few moments if this is accepted. I think for the sake of all Senators understanding what is in that amendment, I will require an additional 5 minutes of time for the explanation of that amendment.

Mr. LOTT. Mr. President, can we amend the unanimous consent request to take it then to 4:50 p.m.?

Mrs. BOXER. As long as it is equally divided—you get the extra time, and we get the extra time—that is fine with us.

Mr. LOTT. I make that request then.

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

The Senator from Idaho is recognized.

(Amendment No. 3231, Lott motion to commit with amendment No. 3235, Amendment Nos. 3236 and 3237 were withdrawn.)

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 3238

(Purpose: To provide for firearms safety, and for other purposes)

Mr. CRAIG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself and Mr. HATCH, proposes an amendment numbered 3238.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . FIREARMS SAFETY.

(a) SECURE GUN STORAGE DEVICE.—

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) CERTIFICATION REQUIRED IN APPLICATION FOR DEALER'S LICENSE.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).".

(c) REVOCATION OF DEALER'S LICENSE FOR FAILURE TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES AVAILABLE.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: "or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device)".

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(A) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(B) as establishing any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. . FIREARM SAFETY EDUCATION GRANTS.

(a) IN GENERAL.—Section 510 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) undertaking educational and training programs for—

"(A) criminal justice personnel; and

"(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;";

(2) in the first sentence of subsection (b), by inserting before the period the following: "and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c)"; and

(3) by adding at the end the following:

"(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

"(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

"(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

"(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

"(A) is not of a sufficient size to justify an evaluation; or

"(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of enactment of this Act.

Mr. CRAIG. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. Mr. President, I have sent the amendment to the desk. I thank my colleagues from California and Illinois for raising the issue of firearms safety. All of us are concerned about it. We should be. There is no question that this Senate should express itself. But I think it is wrong to suggest that one size fits all and that Washington has the right answer. Even as the Senator from California was speaking, she was talking about local community and State law that was changing the character of gun ownership and the management or the safe handling of guns. And that is exactly what my amendment offers.

It recognizes that there is no quick fix to the tragedy of juvenile crime and firearm accidents. But it does recognize the importance of making available safety devices of all kinds to fit all circumstances, not just a trigger lock but a safe, a box, a lockbox, all of those kinds of things that should be required and made available to gun purchasers by the community of interests that sells guns and small business people who offer those types of firearms to the public.

First, it expands the definition of "safety devices" to include, as I have mentioned, a variety of devices besides just trigger locks. I think it is important that we do that.

My amendment requires that vendors have these safety devices available for sale, but it does not require that a vendor sell a safety device along with every firearm. It certainly does say that a vendor must make these available and that the purchasing public become aware of it.

It is also important that my amendment helps to ensure that this new requirement is entirely tort neutral. The amendment provides that it does not establish a standard of care or it further states that evidence regarding compliance or noncompliance with this requirement is inadmissible in court. The amendment, therefore, does not hurt nor help a plaintiff or a defendant.

Finally, my amendment helps to ensure that State and local authorities are prepared to train members of the public in the safe possession, carrying, and use of firearms. As you know, 34 States have now passed and empowered our citizens to carry concealed weapons for protection. Therefore, it is critical that we as a citizenry advance the cause of education.

My amendment allows for Byrne grant funds to be used by State and local law enforcement agencies to train the public in the safe handling of firearms and to make a positive contribution in that education. The statistics that are real that I have spoken to this afternoon and that the Senator from California has spoken to can be dramatically reduced by education, by training, and by understanding. It is evident because we see the decline in gun accidents today.

We also know that there are a variety of organizations out there that are

actively involved in working to train our citizens as it relates to the safe use of firearms. So my amendment is much broader. It is not a mandate, but it certainly requires the full complement of gun safety equipment and necessary attributes to be sold and made available to gun owners, and it provides education and educational moneys for local and State law enforcement agencies to begin to train and educate our citizenry as it relates to this important issue.

More and more States are moving to the right of citizens to carry guns. Thirty-four States have now said, by their action, that the citizen is empowered to carry a weapon for the purpose of protection; yet there is a decline in the number of accidental deaths by guns. That can come, as it is coming, by education. We are empowering, by this amendment, our State and local governments to do just that.

Let me close by saying this: The provision that I offer is an amendment that was offered and adopted by the Judiciary Committee last year during its markup on S. 10, the juvenile crime bill. I urge my colleagues to agree with the consideration and the judgment of the Judiciary Committee. Senator ORRIN HATCH, the chairman of the Judiciary Committee, is a cosponsor with me of this amendment. It has had full consideration and acceptance by that committee.

So it is not something that is quick to judge. It is something to recognize that as we debate the safety of the use of firearms, that we assure the public the availability of equipment and devices to ensure and broaden that safety and, most importantly, it provide the necessary educational components to offer that.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, it is my understanding that I will be controlling 5 minutes at this time, correct?

The PRESIDING OFFICER. Five-and-a-half minutes.

Mrs. BOXER. Five-and-a-half minutes.

It is my intention to yield most of my time to my colleague from Illinois. When I first heard about the Craig amendment and looked it over, without getting into the details, I thought this looked like something I could support. Now I am having doubts about it due to the enforcement provisions.

I am going to turn it over to my friend and colleague from Illinois.

I yield 4 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from California.

For those who missed a few innings and would like to know what the score is, what happened, the Senator from California offered an amendment which requires a trigger lock be sold with each handgun in America. And she does a few things procedurally so we are going to have an up-or-down vote. And, of course, there are people who do not want to vote on that. They are afraid of—well, let us not say that. There are people who disagree with her. There are people who don't want to vote on it.

The Senator from Idaho, who openly opposes her amendment, comes in with what he considers to be a substitute amendment. That is what we are debating now. The good part is, when it is all over, we get to vote on both of them: The proposal of the Senator from Idaho, which I have in my hand, that he just described, and then the proposal of the Senator from California, which says, "Sell a handgun in America, sell with it a trigger lock."

Originally, the Senator from California and I thought: No harm, no foul; we will take the Craig amendment and get a vote on her important trigger lock amendment. And then we took a closer look. Do you know what this says? This says to comply with the law in America, a federally licensed firearm dealer must have available on the premises for sale a trigger lock or safety device—available on the premises.

Then it has some words, some escape-hatch words in there that says, "unless it is tough for you to buy them." If you cannot get them on the market, and such, then you do not have to have them on the premises. Do you have to sell them with the handguns? No; you just have to have them on the premises. I have to tell you, quite frankly, most of them probably have them on the premises now, but if people aren't buying them, then there is no safety aspect to this. We aren't protecting anybody.

So what it boils down to is, we are putting a requirement in the law that really does nothing. Then there is an interesting provision in here—and I do not know why the Senator from Idaho included it—but I might call him to reference page 4 of his amendment, section (2). It says, incidentally, if the federally licensed firearm dealer does not live up to the requirements of this law and keep trigger locks on the premises for sale, and you find evidence of that and want to use it against him to remove his license—guess what?—under section (2) you can't—you can't. "Notwithstanding any other provision of law, [any] evidence regarding compliance or noncompliance with the amendments . . . [none of it is] admissible as evidence in [the court or any agency.]"

Mr. CRAIG. Will the Senator yield?

Mr. DURBIN. I will yield when I have completed. I thank the Senator.

I think that really tells the story. First, there is no requirement, and if there were, it is unenforceable. So this really is eyewash. This is an opportunity to have something to vote for, but the real something is coming. It is the amendment by the Senator from California.

Basically, what we are talking about now is whether or not we are for trigger locks to protect children. I am in favor of firearms safety and education. But the bottom line is that little trigger lock put on a revolver or a handgun keeps it from destroying another child's life.

We can vote for or against the amendment of the Senator from Idaho, but after it is all said and done, the real deal here is the amendment by the Senator from California, Senator BOXER. She is the one who says, you do not just have to have trigger locks on the premises, you have to sell them with the gun. You have to make sure the gun owner walks out with a trigger lock, not just a nod and a shelf with a trigger lock on it. I am afraid that nod is all we get from the Senator from Idaho. It is not good enough. It will not save a life. It is, in fact, an effort by some to find something for which to vote. I hope they will find in their hearts enough empathy for the real problems facing America to support the Senator from California.

Mr. HATCH. Mr. President, I rise to oppose this amendment offered by the Senator from California, and to join Senator CRAIG in offering our own amendment on this issue. I want to commend my colleague for raising the issue of firearms safety, but I believe that there is a better approach to this issue than the one size fits all, Washington knows best proposal offered by the Senator from California.

At the outset, let me say that I understand the strongly held views of my colleagues. My colleagues who are offering this amendment are searching for easy answers and quick fixes to the tragedies of juvenile crime and firearms accidents. I would tell them this: there are no easy answers, and there are no quick fixes. In the face of difficult problems, it is always tempting to look for easy answers. I do not believe that we should succumb to this temptation.

We can pass another federal law adding this gun control measure or that, but the problem won't go away. Because, Mr. President, the problem isn't guns, or a lack of safety devices, or the lack of any other gun control measure.

We are faced, I believe, with a problem which cannot be solved by the enactment of more federal gun control laws. It is at its core a moral problem. Somehow, in too many instances, we have failed as a society to pass along to the next generation the moral compass that differentiates right from wrong. This cannot be legislated. It will not be restored by the enactment of a new law or the implementation of a new program. But it can be achieved by communities working together to teach accountability by example and by early

intervention when the signs clearly point to violent and antisocial behavior, as seems to be the case in some of these tragedies.

Now, I would like to debate this issue. I think the Senate should be debating juvenile crime legislation. The Judiciary Committee spent eight weeks last summer marking up the most comprehensive reform of the Juvenile Justice and Delinquency Prevention Act in that law's twenty-five year history. We could debate how to restore accountability to a broken juvenile justice system. We could debate how to fix a broken system that fails too many of our young people, so that it protects society. But we are not doing that. Instead, we will debate more gun control.

I should note for my colleagues that this particular provision has already been debated. The Judiciary Committee considered it last summer, and defeated it. Well, here it is again. So, we will debate it yet again.

This amendment would require a particular safety device to be sold with every firearm. My colleagues who are considering supporting this amendment should understand that no safety device is a substitute for firearm safety training and responsible firearm handling. Relying on a trigger lock as a panacea for firearm safety is irresponsible and short-sighted.

As an initial matter, there is no locking device that can be placed on a loaded firearm which can render it failsafe. Most locking device manufacturers specifically advise against the use of locking devices on a loaded gun. Requiring firearm manufacturers and licensed gun dealers to provide locking devices may send a dangerous message to the American public that it is "OK" to use the locking device on a loaded firearm. In fact, tests show that a loaded firearm affixed with a locking device can still fire. Requiring manufacturers to provide trigger locks with each firearm, therefore, takes a "one size fits all" approach to firearm safety. Because of firearm design differences, not all firearms can be properly safeguarded with a trigger lock.

Firearms safety training emphasizes personal responsibility in handling a firearm. Education and safety training has been instrumental in lowering firearm accidents and accidental deaths to its lowest point since 1904 (National Safety Council, Accidental Facts, 1996). In 1995 alone, accidental firearm fatalities fell 7%. Due in large part to firearms education, promoted by organizations like the National Rifle Association, the Hunter Education Association, and other volunteer groups, firearms were involved in 1.5% of all accidental deaths nationwide. This percentage is lower than deaths due to motor vehicle accidents (47%), falling (13.5%), poisoning (11.4%), fire 4.4%), and choking (3%) (National Safety Council, National Center for Health Statistics).

Additionally, different circumstances dictate how an individual stores his firearm. While some people may choose to lock their firearms in a safe, someone else may choose to keep their firearm readily accessible for self-protection. Thus, locking devices may or may not be compatible with a person's lifestyle and reason for owning a firearm.

Mr. President, safety locks are already widely available, as are a wide range of other firearms safety devices. Industry is already making strides in offering these devices for sale. We do not need yet another federal mandate imposing a one size fits all safety "solution" on America's law abiding gun owners.

Instead, I offer my colleagues an alternative. My proposal will do far more to promote true firearms safety, and it is far more respectful of the common sense of the American people, than my friend's proposal. My amendment does three things. First, it expands the definition of safety devices to include not only devices that render a firearm temporarily unusable, but also temporarily inaccessible. As a result, my second degree amendment includes safety devices, such as safes and lock boxes, that do not disable a firearm, but make it at least temporarily inaccessible to a person.

Second, my amendment requires that vendors have safety devices available for sale, but it does not require that a vendor sell a safety device along with every firearm. Having them available for sale will help to ensure that purchasers will obtain, and thereafter will use, a safety device, without necessarily increasing the cost of the purchase. The Administration's provision embodied in my colleague's proposal would increase the cost of purchasing a firearm, which is unnecessary. Some safety devices, such as a safe or lock box, can hold more than one firearm, so there is no need to require that a person buy a new safety device if buying a second firearm.

Third, my amendment helps to ensure that this new requirement is entirely tort neutral. The amendment provides that it does not establish a standard of care, and it further states that evidence regarding compliance or noncompliance with this requirement is inadmissible in court. The amendment therefore does not help or hurt a plaintiff or a defendant.

Finally, my amendment helps to ensure that state and local law enforcement authorities can train members of the public in the safe possession, carry, and use of firearms. This is valuable. Training is the best way to ensure that firearms are treated with respect, but not with fear. Firearms handling is an important part of the training process for every soldier and every law enforcement officer, and it can be a valuable tool for private citizens. After all, about 34 States—including my home state of Utah—now empower citizens to carry concealed firearms for protection. Allowing Byrne grant funds to be used by state and local law enforcement agencies to train the public in the safe handling of firearms will make a positive contribution to safety and to crime prevention.

Taken together, all of these provisions deal with the issue of firearms safety in a far better manner than the amendment offered by my colleague. Moreover, this is the provision adopted by the Judiciary Committee last year, during the mark-up of S. 10, the Juvenile crime bill. I urge my colleagues to agree with the considered judgment of the Judiciary Committee, and support my alternative to this amendment.

Mrs. BOXER. Mr. President, it is very hard for me to vote for something that has so many loopholes in it. Maybe during the time in the well the Senator from Idaho can convince me of this, but basically you can't use evidence as evidence. That is what the words say. Here it is:

> Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence.

So you can't use evidence as evidence. I don't know—this is confusing.

I just say to my friends and colleagues, there is only one reason we have taken so much time on this. I was wondering what was going on here, because I came to the floor very early this morning and said let's vote up or down to require that child safety locks be put on handguns, because 5,000 kids are dying in America in a year and no kids are dying in Japan of gunshots. As you look at this chart, you can see that.

This is a figleaf, a cover. I don't think it does anything. People can vote the way they want. The next vote is the key vote.

The PRESIDING OFFICER. All time has expired. Under the previous order, the question is on agreeing to the Craig amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 72, nays 28, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—72

Abraham	Collins	Gorton
Allard	Conrad	Graham
Ashcroft	Coverdell	Gramm
Baucus	Craig	Grams
Bennett	D'Amato	Grassley
Bingaman	Daschle	Gregg
Bond	DeWine	Hagel
Breaux	Domenici	Hatch
Brownback	Dorgan	Helms
Bryan	Enzi	Hollings
Burns	Faircloth	Hutchinson
Campbell	Feingold	Hutchison
Coats	Ford	Inhofe
Cochran	Frist	Jeffords

Johnson	McConnell	Shelby
Kempthorne	Moseley-Braun	Smith (NH)
Kerrey	Murkowski	Smith (OR)
Kyl	Murray	Snowe
Leahy	Nickles	Specter
Lieberman	Reid	Stevens
Lott	Roberts	Thomas
Lugar	Roth	Thompson
Mack	Santorum	Thurmond
McCain	Sessions	Warner

NAYS—28

Akaka	Glenn	Moynihan
Biden	Harkin	Reed
Boxer	Inouye	Robb
Bumpers	Kennedy	Rockefeller
Byrd	Kerry	Sarbanes
Chafee	Kohl	Torricelli
Cleland	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Durbin	Levin	
Feinstein	Mikulski	

The amendment (No. 3238) was agreed to.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that following the next vote, the Senate resume consideration of the Smith amendment No. 3234, and there be 20 minutes equally divided, with the vote occurring on or in relation to the amendment at 6 o'clock this evening.

Mr. HOLLINGS. Mr. President, I have no objection, with the understanding that 10 minutes on this side be reserved for the distinguished Senator from Illinois, Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3230

Mr. CRAIG. Mr. President, I move to table the Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 2 minutes evenly divided.

Who yields time?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, colleagues, please vote for this regardless of how you voted before. Too many children are dying in America because we are not——

The PRESIDING OFFICER. Will the Senator please suspend for a moment.

The Senate will be in order.

The Senator from California is recognized.

Mrs. BOXER. We are not acting to make sure that there are these safety locks placed for children, specifically to stop their deaths from handguns sold in America.

Look at these numbers. Look at this collage of headlines. How many more deaths do we need to see before we act?

I yield the remainder of my time to Senator BIDEN.

Mr. BIDEN. Mr. President, let's stop being hypocritical. We just passed an amendment saying safety is important; the NRA is eligible for Federal funds to teach safety. If the ultimate safety of children is what we are concerned about, why are we so upset about the idea that trigger locks will be placed on guns? How can you vote, as I will and have, to give the NRA eligibility to teach gun safety, which I want them to do, and say that is important, but it is not important to take the one step we can that will at least incrementally increase safety of children in the United States of America?

Please vote no on the motion to table.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Idaho.

Mr. CRAIG. Mr. President, 72 of you have just said that gun safety is important, and that we ought to educate, and we ought to use Byrne funds to do so—local law enforcement, State law enforcement, and private entities that teach licensed gun safety.

We have also said that gun dealers ought to have safety devices available. But we have also said there is a States rights issue here. Thirty-four States now have consent to carry. Safety is an issue. And guess what. Accidental deaths are declining, and they are declining because of education, not because of Federal mandates. Even manufacturers say you put a trigger lock on a loaded gun and it is dangerous.

Trigger locks I agree with. They are for empty guns. They are for stored guns. They are not called child locks, they are called safety locks. We believe in that. But why should it be a Federal mandate? It should not be.

The vote you just cast is the right vote. It mandates certain requirements at the local level be provided, and it allows education, and, more importantly, it says train and educate, don't control from the Federal level. Do the right thing. Vote to table. You have cast a sound vote; 72 Senators have said that the right action was the action you have just taken.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the motion to table. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—61

Abraham	Collins	Grassley
Allard	Conrad	Gregg
Ashcroft	Coverdell	Hagel
Baucus	Craig	Hatch
Bennett	D'Amato	Helms
Bond	Domenici	Hollings
Breaux	Dorgan	Hutchinson
Brownback	Enzi	Hutchison
Bryan	Faircloth	Inhofe
Burns	Frist	Jeffords
Campbell	Gorton	Kempthorne
Coats	Gramm	Kyl
Cochran	Grams	Leahy
Lott	Robb	Snowe
Lugar	Roberts	Specter
Mack	Roth	Stevens
McCain	Santorum	Thomas
McConnell	Sessions	Thompson
Murkowski	Shelby	Thurmond
Nickles	Smith (NH)	
Reid	Smith (OR)	

NAYS—39

Akaka	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Graham	Moseley-Braun
Bumpers	Harkin	Moynihan
Byrd	Inouye	Murray
Chafee	Johnson	Reed
Cleland	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
DeWine	Kerry	Torricelli
Dodd	Kohl	Warner
Durbin	Landrieu	Wellstone
Feingold	Lautenberg	Wyden

The motion to lay on the table the amendment (No. 3230) was agreed to.

Mr. GREGG. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate divided evenly on amendment No. 3234.

Who seeks recognition? Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is there an order established at this point?

The PRESIDING OFFICER. There is a time limit. Time is controlled by the Senator from New Hampshire.

Mr. HOLLINGS. And the Senator from Illinois.

The PRESIDING OFFICER. And the Senator from Illinois.

Mr. DOMENICI. I ask unanimous consent that I be permitted to speak for 2 minutes as in morning business.

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

APPROPRIATIONS BILLS

Mr. DOMENICI. Mr. President, the last couple of weeks we have all been on the floor trying to get appropriations bills completed. I would just like to submit to the U.S. Senate that we ought not be doing this every year.

Don't we have enough knowledge and wisdom and information to appropriate every 2 years instead of every year? Don't we have enough information about budgets and estimating that we could do a budget that lasted for 2 years and make automatic economic adjustments? Of course we do.

Mr. President, if the authorizing committees are wondering why they do not have a chance to do things around here, this is one reason. Because we hardly have enough time to do the appropriations bills. Because they are up every year as if we were in constant motion. In fact, I defy even Senators with the best recollection to recall one

appropriations bill from another year by year. They are so often that they are all one big glob of votes.

Frankly, the Senator from New Mexico had made a mistake this year, because there is a bill at the desk saying we ought to do this every 2 years. We would get our job done better and we would have oversight time and the Senate would be a better place to work in and could do its business better. I should have started 4 months ago insisting that that bill for 2-year budgets and 2-year appropriations be voted on by the U.S. Senate.

But I can tell the Senate, it will be voted on the next opportunity when our leader has some time, and it may be early next year. We are going to get that bill out of committee, and we are going to vote on this issue of whether we have to do this every single year.

Frankly, we now have evidence that these bills are 90 to 95 percent similar one year over another. I know chairmen feel they have made dramatic changes year over year; and, yes, they may have. They also passed the appropriated money for bills that have not been authorized, and they know that. And their response is, "Nobody's doing it, so we have to do it." Well, nobody is doing it because there is no time for anybody to do it.

Mr. President, I believe many Senators agree with this. I have talked to them at length on it. Frankly, we are going to decide in the Senate pretty soon whether we are going to keep on doing this. I am not sure we will win, but surely we are going to present this issue.

I thank the Chair and yield the floor.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3234

Mr. DURBIN. Could I have a clarification? I want to make sure the Senator from New Hampshire and I have an understanding about the pending amendment. It is my understanding—I hope the Senator from New Hampshire would follow me in this—that we have some 20 minutes left in debate, equally divided between the Senator from New Hampshire and myself, at which point at the end of that debate there will be a vote. Is that the Chair's understanding?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I thank the Chair and ask the Senator from New Hampshire——

Mr. GREGG. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. GREGG. I understand the vote is to occur at 6 o'clock.

The PRESIDING OFFICER. That was the order, but Senator DOMENICI took 2 minutes as in morning business which will push back the vote.

Mr. SMITH of New Hampshire. Mr. President, I would be willing to have the 2 minutes that Senator DOMENICI used come off of my 10 minutes in order to keep the vote at 6 o'clock. I ask unanimous consent to do that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. DURBIN. Mr. President, thank you. I will take a portion of the 10 minutes to start with and then allow my colleague from New Hampshire to state his side of the case on behalf of this amendment.

Let me try to explain where we are in terms of what this amendment is doing. We are trying to set up a computer check across the United States, so if you purchase a firearm, there is a way for States or the Federal Government to check and see whether you have a history of having committed a felony or a history of mental illness, and in that situation States are saying, "Of course we do not want to sell a gun to you." And that is the basic Brady law.

Most people support it because it is eminently sensible that we want to keep guns out of the hands of people who are likely to misuse them. I think everybody supports that. The NRA and the people on the other side of the issue even support it.

The Senator from New Hampshire comes before us, though, with a very interesting proposition. The Federal Bureau of Investigation does these background checks by computer. They have said that, "When we do these background checks, we will charge the prospective gun purchaser, the one who wants to buy the gun, for our cost in doing the background check." And of course that sounds reasonable to me.

If I want to purchase a gun, and I want to have a background check to qualify me for a gun, it is not unreasonable for me to expect to pay for what it costs for that to happen. Why should this be the burden of every taxpayer in America, those who do not own guns and those who are not purchasing guns? It really is a decision that I want to buy a gun; and, therefore, I am going into the system to prove that I am eligible to own a gun.

The Senator from New Hampshire says: Wait a minute. Why do we want to charge the prospective gun purchaser for this background check? Shouldn't the Treasury pay for that? Shouldn't all the taxpayers pay for these people who want to buy guns?

I do not think so. And the practical result of the amendment of the Senator from New Hampshire is to take from the Federal Bureau of Investigation the amount of money they would have collected to do these background checks. And you know what that means? It means basically the Federal Bureau of Investigation will have anywhere from $50 to $75 million less in their appropriation to do their job.

Well, can they absorb a $50 to $75 million hit? I think we can all answer that question, because we all come to this floor and come up with wonderful ideas for the FBI to get involved. We want the FBI to fight terrorism. Of course we do. We want to make sure that they are fighting it around the world and protecting people across the United States. And so we say, "We're assigning that responsibility to you." The Senator from New Hampshire says, "Yes, we give you the responsibility. We're not going to give you the money you need to do the job."

We also say we want the FBI to go after some serious issues. Let me give you an example—crimes against children, to enhance the FBI's capabilities to combat child abductions, and serial killings. This is the responsibility we give to the FBI. The Senator from New Hampshire says: It is a great responsibility, but take the money away from them—$50 to $75 million less each year.

How about narcotics? Is there a more serious criminal problem in America? What is filling our prisons? What is tempting our children? What is leading to the kinds of degradation in lifestyle that we see around this country, but basically the war on drugs, the war on narcotics?

So the Senator from New Hampshire says: Let us take some money away from that, too, because we want people who apply for a gun not to have to pay for it. We want the Treasury to pay for it. We want the FBI to take this money from other sources. I do not think that is fair.

I do not think it is fair for an agency with this sort of responsibility. And I do not think it is fair for those who want to purchase a gun to say, "We want a free ride." For goodness' sakes, it is their decision to purchase a gun. They are going forward in the system to purchase it. Shouldn't they pay their own freight?

Would you think twice about buying a car and trying to get a license and say, "I just decided to buy a car, but as far as the cost of the license for my car, why should I have to pay for that? Taxpayers ought to pay for that. I just want to drive the car"? That is what the Senator from New Hampshire is arguing.

Mr. BIDEN. Will the Senator yield?

Mr. DURBIN. I will be happy to.

Mr. BIDEN. Isn't it true that there are a number of background checks. Years ago I drafted a law which became law that requires certain background checks, for example, for people who wish to work in day-care centers with

young children, to try to figure out and ferret out child predators.

Now, the way it works now is if, in fact, you are going to be hired at a boys' club, a girls' club or a day care center, and they—the day care center—say they want a background check, and you have to go through the FBI, the FBI now charges the person seeking employment the cost to run the background check.

I don't understand why, if we are going to say on a background check for an employee—where the employee is seeking a job but is required by that agency to have a background check to prove, in effect, they are not a child predator or do not have any sex crime history—why it is appropriate to charge the prospective employee and it is not appropriate to charge a person purchasing a gun. There is nothing exceptional about this.

My question to my friend is, Isn't this all about reneging on a commitment everyone said they are for, which was to have an instant background check, so there is no 7-day, 5-day or 1-day waiting period, so every single gun seller in America, when they go to sell you a gun, can push a button, tap into a computer, and have the computer say you can or cannot sell it? It seems to me this is about doing away with the instant check.

Mr. DURBIN. The Senator from Delaware is correct. The instant check system was proposed by the National Rifle Association as a way of avoiding the Brady law. They said, "We will do this by computer; we will punch it in."

The fellow who is selling the gun, the dealer, will punch in the information and find out if you are a dangerous person; if not, they can sell it to you.

Now they have decided they want the computer check but they don't want to pay for it, they want the taxpayers to pay for it, and take the money out of the FBI.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield 2 minutes to the distinguished Senator from Alabama.

Mr. SESSIONS. Mr. President, there has been a lot of talk recently about more and more gun laws, more and more complicated and esoteric, having less and less ability to protect the safety of the American people.

Let me tell you we have some outstanding, effective gun laws on the books now that allow people who are felons to be prosecuted for possessing a gun, that allow the prosecution of people who carry a gun during a felony to receive 5 years without parole, consecutive to any other offense.

Look at what this administration that is always talking about gun prosecutions has done. In 1992, when they took office, there were 7,048 "triggerlock prosecutions" of serious gun offenders in this country; now, 1997, 3,765. It has plummeted that percent.

What they need to do is enforce the laws they have and quit worrying about passing laws that are not very relevant and not going to have any impact on crime in America. I think the American people need to understand that.

I yield back the remainder of my time.

Mr. SMITH of New Hampshire. I yield 1 minute to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague for yielding.

Let's talk money. The program has been fully funded. Some $37.5 million in the last 4 years has been provided. The FBI budget has been almost tripled in the last 10 years.

Let me talk about Janet Reno. Here is what Attorney General Janet Reno said, on May 26, 1994: She does not intend to charge for such access, provided that there is sufficient appropriations.

Guess what? We have given them every dime they requested and many, many millions more. Sorry, Janet Reno. Why don't you stay with your word? That is what you told us. That is what we believed when we passed the Brady bill.

What is this? This is a gun tax. Let's talk about it for what it is. The FBI asked for money and we gave them money. In fact, we tripled their budget in the last 10 years. Why? Because we are interested in law enforcement. We want criminals caught. Most importantly, we want criminals prosecuted. We do not want law-abiding citizens taxed.

Mr. SMITH of New Hampshire. How much time remains on this side?

The PRESIDING OFFICER. The Senator has 4 minutes 14 seconds.

Mr. SMITH of New Hampshire. Mr. President, let me explain this amendment. I have heard some very interesting remarks on the other side about Brady and registration. That is not what my amendment is—very eloquent, but that is not what my amendment is.

My amendment does three things. First, it prevents the FBI from keeping a file on a law-abiding citizen who, after he had the gun checked, came up fine, clear. Why would we want the FBI to maintain a file on a law-abiding gun owner who did nothing wrong except exercise his constitutional right to own a gun? They want 18 months to keep these files. I don't want 18 seconds. I want these files destroyed immediately. That is point one in my amendment.

Second, my amendment prevents the FBI from imposing a tax on people who use this national instant criminal background check system because they want simply to exercise their right to own a gun. That is the second point. Why should they be taxed for that? Why should they pay this fee? It could be up to $20 to $25 just to do this—maybe more. That is to start. There is no reason why anybody should pay a fee. You are an individual who has a constitutional right to own a gun. Somebody in the Government decides that they want to check you out, fine. You check out clear. Why should you have to pay for that? You didn't ask for it; it is your right. The person who is a criminal or a person who is not entitled to have that gun because of something they did, fine, they can pay for it, and they should pay for it and they shouldn't get the gun. But that is not the people about whom we are talking.

Third, if the Government, in violation of the law, holds these files, you have the right to pursue this matter in court, which is the proper procedure.

I simply ask my colleagues, Why would you keep a file in the FBI on an innocent person who did nothing except own a gun, which is his constitutional right to do so? That is what this amendment is about. If you want those files maintained, then you would vote against this amendment. This is Big Brother at its worst. It is Big Brother at its worst.

It is coming in and taking privacy—your privacy; you have the right not to have that file in the FBI, and they don't have the right to put it there, because you did nothing wrong. That is what this amendment is about.

Secondly, it is about a tax. If you want to charge these fees, so be it. But then you can vote against my amendment.

I yield the floor.

Mr. DURBIN. How much time do I have remaining?

The PRESIDING OFFICER. Two minutes 45 seconds.

Mr. DURBIN. If I understand the argument of the Senator from New Hampshire, because we have a constitutional right to bear arms, all of the Federal taxpayers have to subsidize that right.

I suppose since we have a constitutional right to exercise our religious belief, then it is the responsibility of taxpayers to pay for my priest or minister. I don't think so. I don't think so.

In this situation, the American people are coming forward and saying, "We want to exercise our right to own a gun." We are saying, "Fine, so long as you don't misuse it and you are not a person with a background where you are likely to misuse it." And if you are going to submit yourself to this background check, be prepared to pay for it.

The Senator from Delaware makes a good point. If we are going to hire people to work in nursing homes and child care facilities that need background checks—and that is not a bad idea—why shouldn't they, as a condition of employment, pay for the background

check? Why should this be the responsibility of every taxpayer?

The Senator from New Hampshire wants to say to the prospective gun owners they have the right to come to the Government and say, "I want it for nothing." When you get it for nothing, someone will pay for it. In this situation, the FBI pays for it.

Do you know why the FBI appropriation has gone up, as the Senator from Idaho has said? Because we keep giving them more responsibilities—do fingerprint checks on anybody who wants to be a new citizen in the United States; get serious about dealing with drugs across borders, make certain that you have the wherewithal to do it; fight terrorism. We tell them to do all of these things and now the Senator from Idaho says they should have enough money to absorb this $50 to $75 million loss. I think they are wrong.

I think those who are for law and order and for law enforcement have to vote against this amendment offered by the Senator from New Hampshire. Let those who want to purchase a gun and exercise their right, exercise their responsibility to pay for this check, to make certain that those people who worry about gun violence have less to worry about.

I hope my colleagues will join me in opposing this amendment from the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire has 1 minute 22 seconds.

Mr. SMITH of New Hampshire. I respond to my friend by repeating what Senator CRAIG said a moment ago. There is $100 million in the law to do this, so we don't need to be charging additional fees. That is No. 1.

No. 2, it is interesting how we pick out certain constitutional rights and say we are going to tax them and not others. Maybe we should tax everybody for having free speech. Or maybe we should tax everybody for reading the newspaper. Maybe we should tax everybody for going to church.

It doesn't make sense. It is our constitutional right.

Let me repeat, again. No. 1, this amendment prevents the FBI from keeping files on innocent people who simply had a background check done on them who did nothing wrong and were perfectly entitled to own a gun.

Secondly, the amendment prevents the FBI from imposing a tax on these people. Thirdly, it allows a person to go to court if the FBI does that. We have seen abuses by the FBI. We have seen files held in the White House. Do you want this to go on? That is what this issue is about. That is what my amendment is about. I hope my colleagues will support me on this amendment because this is more than a gun issue—this is a privacy issue.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Illinois has 30 seconds.

Mr. DURBIN. Mr. President, the $100 million we have invested is for the hardware for the computers. It now costs $13 to $16 every time they do a background check. I think the people should pay for it. The Senator from New Hampshire would take the money out of FBI for other law enforcement. I think the FBI needs these funds to do important tasks. I hope the Senator will agree that the FBI is an agency that we need to be strong in the United States. Taking $50 million to $75 million away from them is not going to make them a stronger agency or make Americans any safer at home.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 3234 offered by the Senator from New Hampshire, Mr. SMITH.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—69

Abraham	Enzi	Lugar
Allard	Faircloth	Mack
Ashcroft	Feingold	McCain
Baucus	Frist	McConnell
Bennett	Gorton	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Burns	Hagel	Rockefeller
Campbell	Hatch	Roth
Chafee	Helms	Santorum
Coats	Hollings	Sessions
Cochran	Hutchinson	Shelby
Collins	Hutchison	Smith (NH)
Conrad	Inhofe	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Johnson	Specter
D'Amato	Kempthorne	Stevens
Daschle	Kerrey	Thomas
DeWine	Kyl	Thompson
Domenici	Leahy	Thurmond
Dorgan	Lott	Warner

NAYS—31

Akaka	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bryan	Inouye	Reed
Bumpers	Kennedy	Robb
Byrd	Kerry	Sarbanes
Cleland	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Feinstein	Levin	
Ford	Lieberman	

The amendment (No. 3234) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3233, AS AMENDED

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the underlying amendment.

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

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3233), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

THE HEALTH CARE DEBATE

Mr. GRAMM. Mr. President, while we are waiting for someone to come over with an amendment, I want to say something about health care and about the health care debate. As long as I have been in the Senate, the minority party has always sought to have the opportunity to have an up-or-down vote on their alternatives. Senator KENNEDY has now for months demanded that he have an opportunity to offer his proposal to remake the American health care system.

We on the majority side of the aisle have spent tremendous amounts of time putting together our proposal to strengthen patients' rights to empower consumers——

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator is correct. The Senator from Texas deserves to be heard. Will Members please take their conversations off the floor?

Mr. GRAMM. I thank the Senator from West Virginia, and I thank the Chair.

Mr. President, on this side of the aisle, we have spent a tremendous amount of time, individual Members' time—not just the time of our staffs—in putting together our bill to promote patients' rights, to get the gatekeepers of Health Maintenance Organizations out of the examining rooms where medical care is being provided in America.

We now have a situation where we have Senator Kennedy's proposal, which is strongly supported by our Democratic colleagues, and we have our proposal, which is strongly supported by our Republican colleagues. What we have sought to do since we have a limited number of legislative days—we have many appropriations bills to pass—is to try to reach an agreement where we would allow something that majorities normally do not do under the Senate rules, and that is to allow the minority to have an up-or-down vote on their so-called Patients' Bill of Rights. Then, if they are unsuccessful, to have an up-or-down vote on our bill, and if we are successful, that would be the bill.

We now find that our colleagues say, "No; we want 20 amendments," or, "We want 10 amendments." I wanted to explain to my colleagues why I am going to object to any unanimous consent request that does not allow us to simply have the two choices. It is unusual in the sense that someone would object to narrowing down amendments, so I would like to explain my concern.

First of all, I don't think it is unreasonable, given our legislative schedule, to say to those who have a health care bill that we are going to give them an up-or-down vote on their bill. I don't think that is unreasonable. Obviously, a unanimous consent request alters the basic procedures of the Senate, and any Senator has the right to object to doing that.

Secondly, I am not interested in amending Senator Kennedy's bill. I don't want to try to change his bill. I want him to write the best bill he can write to try to improve our health care system and enhance the rights of health care consumers, and I don't have any interest in amending his bill.

Now, let me tell you why I don't have any interest in Senator KENNEDY and others amending our bill. I have not forgotten that the Senator from Massachusetts and many of the supporters of the Kennedy bill 5 years ago were for a Government-run HMO, the Clinton health care bill. I have not forgotten that the President was not only in favor of the Government taking over and running the health care system 5 years ago; within the past year he has said that he had not changed his objective in having a Government-run system but that he was now simply trying to implement it piece by piece.

Here is the problem this late in the legislative session of getting into endless amendments on the two bills: Not only do we not have time to do it, but we have a very unequal situation. Let me explain, and I will try to do it briefly so we can get on with this bill.

I am not interested, and I don't believe anyone on our side of the aisle is interested, in amending the Kennedy bill. I believe that we have a better bill. I think he ought to write the best bill he can, we will write the best bill we can, and then, with the limited time we have, give people a choice. But there is an additional problem here, and the problem is the unequal situation we are in.

I desperately do not want to do anything to destroy the private practice of medicine in America. I don't believe that a Government-run system is the best system. In offering amendments and writing our bill, we are constrained in that we don't want to do anything that is going to drive up costs, cost millions of American families their health insurance, and ultimately force people into a Government-run HMO.

It appears that many of our colleagues, including the author of the Democratic alternative, support a Government-run HMO, support a Government takeover, so that while we are constrained in amendments that we can offer by our desire to be certain that we don't end up killing off private medicine, many on the other side of the aisle seem to believe that private medicine should be killed off so that we can have a system that they sincerely believe will work better, and that is a system where the Government would run health care in America.

The best analogy, interestingly enough, is biblical. Some of my colleagues will remember the story in the Bible about the two women who had infants. While they slept, one infant died, and the lady whose child had died got up and took the dead baby and put the dead baby by the mother of the living baby and took the living baby herself. When the mother woke up and saw the dead child, she realized it was not her child.

To make a long biblical story short, the women appeared before King Solomon. Solomon, being wise, asked that a sword be brought. He suggested that since there was no way that anybody other than the two mothers would know whose child was really alive, that he would take the sword and divide the child. When he proposed that this be done, the real mother, of course, as all of us remember from our schooldays and reading the story in the Bible, the real mother said, "No; give her the child." The woman who was not the real mother said, "No; divide the child." Solomon, of course, then knew who the real mother was, gave her the child, and the people were awed by his wisdom.

Here is our problem. We are debating over a child on the health care bill, and the child is the private practice of medicine in America. The child is a viable system run in the private sector by doctors and nurses and hospitals that are not run by the Government, but we are in an unequal debate because many on the other side seem to want that system to die so that we can have a Government-run system.

Under those circumstances, to simply have endless amendments would not serve any purpose, given not only the limited amount of time we have, but also because, more importantly, it puts us at a disadvantage because we have no interest in offering amendments that would drive up cost, kill off private health insurance, and leave people uninsured, whereas those who really believe that you first have to prove that the private health care sector cannot work and therefore you must have a Government-run system would view such an amendment exercise potentially as a step toward improving the health care system.

I simply state to my colleagues while this negotiating is going on, I will certainly support, and do support, a unanimous consent request where Senator KENNEDY and those who support him write the very best proposal they can write to strengthen patients' rights. We have written—and if we come up with better ideas, we will incorporate them—the best bill we can write that we believe achieves those objectives. Let's give Senator KENNEDY and those who support him an up-or-down, free-standing vote, unamended, to put before the Senate his best proposal, and let us vote yea or nay. Then give us an opportunity to put our bill—our best proposal—in front of the Senate and vote yea or nay.

But I am not interested in allowing amendments where one side of the debate can view it as positive to kill off the private sector of medicine in America and whereas those of us who believe that its survival is critical to quality medicine in America would be forever disadvantaged in that debate.

So I want to call on those who have for 6 months said to us: "The No. 1 issue in the country is patients' rights. Give us an opportunity to vote on our bill." I want to call on them to bring their bill to the floor of the Senate and let us vote on it. Let us vote up or down. We will not amend Senator KENNEDY's bill. If he has reached legislative perfection, at least in terms of what he thinks he can pass, then let us vote on it. And then let us vote on our bill.

But I intend to object to any unanimous consent request that would have the effect I've described. I hope that reason will prevail and we will have an up-or-down vote on the two alternatives. Those who want a bill, I do not see how they could view that as being an unfair proposal. It is a proposal that 6 months ago I would think that the minority would have jumped at.

Today, they want the ability to have 20 amendments. They do not want to set a calendar time limit. That process could go on and on and on. I do not have any desire to amend their bill. We want an opportunity to vote on ours. Let the Senate choose. I think it would be the right way to go about it, and the only way we can be successful in the end.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are going to have a lot of time to debate health care. I suspect the Senator from Kentucky may want to respond to the Senator.

Mr. FORD. Thirty seconds.

The Senator from Texas said time and time again that we were destroying the medical system. With the AMA and 170 medical organizations in this country for our particular bill, I do not believe there is any indication that we are trying to destroy the medical profession in this country.

Several Senators addressed the Chair.

Mr. GREGG. Reclaiming my time.

Mr. FORD. I said 30 seconds.

Mr. GRAMM. Will the Senator yield?

Mr. GREGG. Did the Senator from Kentucky get his 30 seconds?

The PRESIDING OFFICER. The Senator from Kentucky used 18 seconds.

Mr. GRAMM. Will the Senator yield——

Mr. GREGG. I would like to move on with the bill, to be quite honest with you. I will yield the floor, but I hope we can move to the completion of this bill.

The Senator from Arizona has been waiting, along with the Senator from Utah, to get an amendment completed that we worked on for a few hours here. It would be nice if we could wrap that up. Then, if you want to come back to the health care debate, that is great.

I ask unanimous consent that the next Member to be recognized be the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object and suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HATCH. Could I ask the distinguished Senator from Texas to withhold his objection? This should not——

Mr. GRAMM. Mr. President, I withhold. I withhold my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire has asked for unanimous consent. Is there objection?

Mr. GREGG. I withdraw the unanimous consent request.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield the floor?

Mr. GREGG. I yield the floor.

Mr. HATCH. Will the Senator yield 30 seconds to me?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I will be 20 seconds. If the Senator has support, if he has a good bill, let us bring it before the Senate and vote on it.

Mr. FORD. In my strategy and not yours.

Mr. GRAMM. If we are going to have a unanimous consent request, we have to have the agreement of the Members. And I am not going to agree to that particular process.

I yield the floor.

Mr. McCAINN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I certainly was entertained by the exchange. And I know that the Senator from Utah is going to speak right after me. I hope he will have some biblical stories as well. The biblical lesson that I am about to propound has to do with the fact that two well-meaning and well-intentioned Americans can join together and resolve our problems and differences.

Mr. President, earlier today an amendment of mine was accepted that unintentionally the Senator from Utah, the distinguished chairman of the Judiciary Committee, was unaware of. After vigorous discussion, the Senator from Utah and I have agreed, along with the Senator from Vermont, the ranking member of the Judiciary Committee, that we would modify that amendment and that basically what this means is that the cable rates would be held in moratorium until March 31, 1999.

Mr. President, this is a serious issue. The chairman of the Judiciary Committee and I also know that it is serious, and we intend to work together and get this issue resolved so that there is meaningful competition to the rising cable rates in America which have gone up 9 percent last year and 8 percent again this year.

I think we reached an agreement that makes both of us slightly unhappy but I think will move this process along. I look forward to working with him in the weeks ahead, and hopefully by perhaps September we can get an agreement and move forward on this issue.

VITIATION OF VOTE—AMENDMENT NO. 3229

Mr. President, before the Senator from Utah speaks, I ask unanimous consent that the vote on amendment No. 3229 be vitiated.

The vote on amendment (No. 3229) was vitiated.

AMENDMENT NO. 3229, AS MODIFIED

Mr. McCAIN. I further ask unanimous consent that a modification of the amendment which is at the desk be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3229), as modified, was agreed to as follows:

At the appropriate place, insert the following:

SEC. . MULTICHANNEL VIDEO PROGRAMMING.

(a) Notwithstanding any other provision of law, the Copyright Office is prohibited from implementing, enforcing, collecting or awarding copyright royalty fees, and no obligation or liability for copyright royalty fees shall accrue pursuant to the decision of the Librarian of Congress on October 27, 1997, which established a royalty fee of $0.27 per subscriber per month for the retransmission of distant broadcast signals by satellite carriers, before March 31, 1999. This shall have no effect on the implementing, enforcing, collecting, or awarding copyright royalty fees pursuant to the royalty fee structure as it exists prior to October 27, 1997.

Mr. McCAIN. I thank the Senator from Utah for his continued cooperation and offer my commitment to work with him and his staff.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my friend and colleague from Arizona for being willing to work out this difficulty. There was, I think, a misunderstanding on this matter. We have reached an acceptable compromise that will encourage us to work together on these issues for the benefit of all of our constituents and the affected industries with deliberate speed. I hope that we can work together to fashion a comprehensive reform of the relevant laws and regulations that will increase the range of options that television viewers will have.

The rates will be rolled back until early next year; that is, until March 31, when we would hope and expect Congress to be able to adopt meaningful comprehensive reform of the issues affecting the satellite industries and their customers.

So, again, I want to thank my colleague for being willing to vitiate the prior vote, being willing to work out this compromise, and I express my desire to work together with him as chairman of the Judiciary Committee, and I believe my colleagues on the Judiciary Committee will as well with him, as chairman of the Commerce Committee, and hopefully we can resolve the matters in the best interests of all Americans—both individuals and affected industries. And, again, I just express my appreciation.

Parliamentary inquiry. Is that modification accepted?

The PRESIDING OFFICER. The amendment was agreed to, as modified.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3240

(Purpose: To prohibit foreign nationals admitted to the United States under a nonimmigrant visa from possessing a firearm)

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3240.

Mr. DURBIN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. . FIREARMS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d), by striking paragraph (5) and inserting the following:

"(5) who, being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));";

(2) in subsection (g), by striking paragraph (5) and inserting the following:

"(5) who, being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));";

(3) in subsection (s)(3)(B), by striking clause (v) and inserting the following:

"(v) is not an alien who—

"(I) is illegally or unlawfully in the United States; or

"(II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));"; and

(4) by inserting after subsection (x) the following:

"(y) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NONIMMIGRANT VISAS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B), (g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) an official representative of a foreign government who is—

"(i) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

"(ii) en route to or from another country to which that alien is accredited;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

"(ii) the Attorney General approves the petition.

"(B) PETITION.—Each petition under subparagraph (B) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).

"(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

"(i) would be in the interests of justice; and

"(ii) would not jeopardize the public safety.".

Mr. DURBIN. Mr. President, I would like to explain this amendment. It is rather simple, straightforward. It is, again, on the issue of guns. I am hoping now, for the first time today, that we can find some consensus on that issue. And I have spoken to some of my former adversaries, and there may be a chance. But I would like to explain what this amendment does.

Earlier today, we have said in our votes on this floor—this body has said—that when it comes to requiring people who purchase guns in the United States when they purchase a handgun to buy a trigger lock, we voted no, they should not be required to buy a trigger lock. Then we said, if you are going to have a criminal background check when you buy a gun in this country, you do not have to pay for it; other taxpayers have to pay for it; it is free. Those are the two votes so far.

I hope that I am going to broach a subject here where we can find some common ground on the issue of owning guns. Remember with me, for a moment, last year when there was a terrible killing at the Empire State Building. Gun violence in America, unfortunately, is not novel. We read about it every day, and we see it on the news.

But it struck me as odd when I heard about this case because, if you will remember—and I think I have the sequence correctly—a resident of the Nation of Lebanon came to the United States on a nonimmigrant visa, such as a tourist visa. When he arrived in the United States, he visited the State of Florida, which has relatively lax laws in terms of the purchase of firearms. He bought a firearm in Florida, took it up to the Empire State Building, and gunned down several innocent people, other tourists at the Empire State Building.

It struck me as odd that while we enshrine the right of American citizens to own firearms, we apparently have few, if any, ways to check when people come into this country to buy a gun as to whether or not they are citizens of this country.

So in this case, a man from another nation, a tourist, bought a gun and killed innocent Americans. I think that goes too far. I think, frankly, we ought to say that if you come into this country as our guest, not as a citizen of the United States, that we are going to restrict your right to purchase a firearm. You are not a citizen of our country; we have a right to impose such restrictions on you.

So here is what we do: We say to the Immigration and Naturalization Service, send over, through your computers, the names of those who are in this country legally on these visas; we will put them into our background check. If this individual had shown up at a gun store and said, "I want to purchase a gun," they would put his name in the computer. And if he came up as a nonimmigrant visa holder, not a citizen of the United States, they would have said, "No"; and had they said no to this man, several Americans might be alive today.

I don't think that is an unreasonable requirement. In considering this amendment, I should think that people might question whether or not it is our obligation in this Nation, under the Constitution or otherwise, to arm people who come to visit us. I am not sure it is.

Now, we do make exceptions, and I want to make certain that those who read this amendment understand the exceptions. We tried to imagine the exceptions of those coming to the United States on nonimmigrant visas who might need to own a gun for very real and legal purposes.

Here are the exceptions that we included: We said if you are someone who has come to the United States for lawful hunting or sporting hunts—so you have someone who enjoys hunting and can legally do so in the United States, who comes here for that purpose, goes to the far west, wherever it might be, that person is exempt. That person may purchase a gun while here for that purpose.

An official representative of foreign governments—certainly, any head of state brings a security contingent with him and that person may possess a gun.

Those who are credited with the U.S. Government's mission to an international organization; those en route from one country to another; an official of a foreign government or a distinguished foreign visitor, a foreign law enforcement officer.

We try to say these are categories of people which might in the ordinary course of events have a gun, need to purchase a gun, for very legitimate purposes.

Now, what about those who are there on a nonimmigrant visa for a longer period of time? I am willing to concede that some are here for maybe even years legally on nonimmigrant visas and may need a gun at some point. We even put a provision in for that.

A waiver of this requirement—if a person has resided in the United States for 180 days and can provide a statement to our Government from his Embassy or consulate that says he is authorized to acquire a firearm and he doesn't have a criminal record in his home country.

So I think we have created exceptions which will allow those people who are here on nonimmigrant visas, who are not here to commit a crime, an opportunity to purchase or own a firearm. Yet we have said that tourists from any nation who comes in, buys a

firearm, commits an act of terrorism or murder, is not welcome. We are not going to make it easy for them.

That is the amendment which I have offered. I hope that those who are mulling over its provisions will come to the conclusion that it is not an unreasonable suggestion. I hope those who visit our country understand they are welcome. When it comes to purchasing a gun, which may lead to a violent crime, we are at least going to ask some questions. I think the people of America expect us to ask those questions.

I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DURBIN. Has there been a unanimous consent agreement in terms of this pending amendment or any others considered this evening?

Mr. GREGG. No.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3240, AS MODIFIED

Mr. DURBIN. Mr. President, I have sent a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment is so modified.

The amendment (No. 3240), as modified, is as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. ___. FIREARMS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d), by striking paragraph (5) and inserting the following:

"(5) who, being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));";

(2) in subsection (g), by striking paragraph (5) and inserting the following:

"(5) who, being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));";

(3) in subsection (s)(3)(B), by striking clause (v) and inserting the following:

"(v) is not an alien who—

"(I) is illegally or unlawfully in the United States; or

"(II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));"; and

(4) by inserting after subsection (x) the following:

"(y) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NONIMMIGRANT VISAS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B), (g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;

"(B) an official representative of a foreign government who is—

"(i) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

"(ii) en route to or from another country to which that alien is accredited;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

"(ii) the Attorney General approves the petition.

"(B) PETITION.—Each petition under subparagraph (B) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).

"(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

"(i) would be in the interests of justice; and

"(ii) would not jeopardize the public safety.".

Mr. DURBIN. Mr. President, I have been working with the Senator from Idaho, and I think we have reached an agreement on this, in which we provide language that says if a person who comes to the United States on a nonimmigrant visa is in possession of a hunting license or permit lawfully issued within the United States, they then would not be covered by the provisions of this law. That is consistent with the original language of the amendment.

At this point, I yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate the willingness of the Senator from Illinois to modify his amendment. I think it is necessary and appropriate, and certainly the public understands that hunting is a lawful right and opportunity in this country. Certainly, foreign citizens who are here that go through the legal and necessary steps should be allowed that opportunity, and to acquire a gun for that purpose while here is necessary and fitting.

I agree with the Senator from Illinois that he deals with a very important area of the law. We have seen it misused by aliens in this country. Our second amendment is something that we honor, that many of us feel is a very important right of our citizens under the Constitution. It should not be abused by those who are guests in our country, legally or illegally. I think the Senator from Illinois speaks clearly to that in the amendment. I appreciate his offering it.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I think the Senator from Illinois has proposed a strong amendment here, and it has been strengthened further by the Senator from Idaho.

I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3240), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

BORDER PATROL AVIATION

Mr. BIDEN. Mr. President, I would ask to engage the Senator from New Hampshire, Mr. GREGG, in a brief colloquy regarding a portion of the report which accompanies the bill, calling on the Border Patrol to examine the potential cost savings and border surveillance capabilities of a variety of types of aircraft. I support the committee's effort to seek more information to improve the cost effectiveness and efficiency of our border surveillance effort—against both illegal immigration and drugs. But, I also believe that we must review all types of aircraft, including both manned and unmanned airships. Is it the Committee's intent that such airships also be considered in the study and report?

Mr. GREGG. I appreciate the Senator's concerns on this subject. The

committee believes that the full range of aircraft options, including airships, should be examined by the Border Patrol to assist our efforts to ensure the most cost-effective and efficient ways to protect our borders from both illegal immigration and the flow of drugs.

Mr. BIDEN. I thank the Senator for his interest in this matter and for his clarification of the committee report.

CONGRESS-BUNDESTAG YOUTH EXCHANGE PROGRAM

Mr. LUGAR. Mr. President, I would like to engage the distinguished chairman of the subcommittee in a brief colloquy on the Congress-Bundestag Youth Exchange Program (CBYX). I would like to hear his thoughts about German-American student exchanges and the reasons why the bill before us does not include any appropriation for these important exchanges.

Let me assert first of all that I am a strong and enthusiastic supporter of the CBYX program that has been in existence now for 15 years. I recall the enthusiasm in the Senate when, in 1983, the late Senator Heinz introduced the bill authorizing this exchange program. Many of us rose to endorse it and the legislation received unanimous support.

The legislation was inspired by the events surrounding the critical decision by the German Government to deploy United States Pershing-II missiles in Germany—a decision which, in my judgment accelerated the end of the Cold War. At the time, it became evident that there were fundamental misunderstandings within Germany of United States intentions and equally shallow perceptions about Germany in the United States.

The German Government felt the need for correcting misperceptions about the United States most acutely and initiated a process to establish and fund a youth exchange program with the United States. The Congress-Bundestag exchange program that emerged from those efforts was not just another bilateral exchange program. Rather, it has become an essential component of American foreign policy. With the imminent expansion of NATO eastward, it takes on an even more important role in promoting understanding between our two countries.

The Congress-Bundestag Youth Exchange program was launched jointly in 1983 by the U.S. Congress and the German Bundestag and has been funded by both governments in roughly equal amounts ever since.

Many of us on both sides of the aisle who were in Congress in 1983 spoke passionately in support of these exchanges. Those of us who follow the program closely and meet with the exchange students believe it is an essential component of American foreign policy.

Apart from expanding awareness of German and American institutions and culture, the international experiences and increased proficiency in language have become valuable assets in the students' continuing education and community life.

One of the unique features of the Congress Bundestag Youth Exchange Program is that the German Government virtually matches our contributions on a dollar-for-dollar basis. They try to match the number of students they send to the United States to those we send Germany. They would like to send many more students. When we increase or decrease our funding, they tend to increase or decrease their funding. Thus, if we zero out or decrease funding for this program, the German Government may do the same. In effect, that would be a double hit and a double calamity for United States-German relations.

Thousands of young people from Germany and from the United States are able to spend a year in the other country, live with host families and learn about one another. Thousands have become young Ambassadors for their country. They have strengthened our mutual interests.

Germany's strategic importance in Europe is self-evident. It enjoys the strongest economy in Europe and has cooperated in expanding both the European Union and NATO toward the East. It is poised to play an even greater role in international peacekeeping, international commerce, and the global economy. Moreover, there are more than 60 million Americans who trace their heritage to German origins, one of the largest, if not the largest, ethnic groups in the United States.

Could I ask the distinguished chairman of the subcommittee what has been the recent funding levels for the Congress-Bundestag Program and if the bill before us eliminates or reduces funding for the Congress-Bundestag program for fiscal year 1999?

Mr. GREGG. Funding for this program was at $2.75 million for several years in the past but it declined to $2.4 million and has been at or below that level in recent years. The current bill does not include any funding for the Congress-Bundestag Program but it does not prohibit any funding either. We suggest in the report language that there are other competing priorities which make it difficult to fund all requests for cultural and educational exchanges.

Mr. LUGAR. It is my understanding that this program is a very high priority of the administration and that the President has publicly stated that he wants to increase funding for the Congress-Bundestag Program in fiscal year 2000 to a level at least $2.8 million—an amount substantially above recent levels.

Mr. GREGG. Yes. The President has announced his intention to request an increase for this program in the year following the current fiscal year. I will look forward to that request.

Mr. LUGAR. I understand the companion House bill includes funding for this exchange program at about $2 million. Therefore, funding for the Congress-Bundestag Youth Exchange program for fiscal year 1999 will be an issue in conference. Is it the chairman's intention to restore funds for the CBYX program in conference?

Mr. GREGG. I would like very much to restore funding for this program—and for other exchanges as well. Unfortunately we are operating under tight budgetary constraints. As the senior Senator from Indiana knows, the number of international exchange programs have grown over the years and that is a reflection of their popularity and importance. Overall appropriations have not kept pace with the growth in the number of programs. The regrettable result of this shrinkage of funds and growth in demand for them means that some programs must be reduced.

But, I very much appreciate the Senator's strong argument in support of the Congress-Bundestag Youth Exchange program, particularly the foreign policy role it plays in strengthening our ties with an important European ally, Germany. I will keep your arguments very much before me when we negotiate with our House counterparts in conference.

Mr. LUGAR. I thank the chairman and appreciate his explanation. My original intention was to introduce an amendment to restore funding for the CBYX program but do not want to burden the managers with a specific earmark. Could the chairman give assurance that he will do all he can to restore funding for these exchanges. If he does, I will withdraw my amendment.

Mr. GREGG. You have made a strong argument on behalf of the program. And I will do my best to adjust existing programs to provide funding for the United States-German exchange program.

Mr. LUGAR. I appreciate your assurances. Mr. President, I would like to made a few additional comments on the Congress-Bundestag Youth Exchange Program.

For the past 15 years, some 11,000 young students from Germany and the United States have participated in these exchanges. German and American families have hosted these students in their homes and communities and formed enduring friendships and nurturing the ability to see each other through the other's eyes. The earliest of these participants are mature adults now and have assumed responsible positions in their communities. I'm impressed that senior members of the German Government, including Chancellor Kohl and the President of the German Bundestag, Rita Sussmuth are personally involved in the program. Many others have invited American

students to work in their offices, invited them into their homes and arranged for specific events on their behalf. Our German counterparts value this program very highly and promote it with enthusiasm.

In the end, we should support this program because it is in our interests to do so. It is one of our smallest international exchange programs but it reaps substantial foreign policy benefits. We should be sending more American students to Germany on this program. The German Government wants to increase the number of students they send here.

I should add that most of the American students selected for this exchange program are juniors or sophomores in high school. The standards are high. To be eligible, a student must have a 3.0 grade point or better and be a citizen or permanent resident of the United States.

Once again, I want to thank the distinguished chairman of the subcommittee. He has a difficult task of balancing growing and competing demands with increasingly sparse resources. I appreciate his understanding and courtesy and look forward to working with him and the committee to restore funding for the Congress-Bundestag Youth Exchange Program (CBYX).

IMPROVING SCHOOL SAFETY AND FIGHTING SCHOOL CRIME

Mr. ROBB. Mr. President, as many of my colleagues are aware, support for education has been at the top of my priorities since I began my career as a public servant.

I've worked for many years, and on several fronts, to strengthen our public schools and universities, and I've focused as well on an essential prerequisite for improving educational opportunities—a safe learning environment. Unfortunately, not all students share the privilege of attending a safe school.

Over the past year, tragic murders at schools across the Nation have chilled parents' hearts. Perhaps even more chilling are figures from a spring 1998 Department of Justice study, which indicates just how many schools, and schoolchildren, are at risk. In the past year, nearly 60 percent of all elementary and secondary schools reported at least one incident of criminal activity to the police. Roughly 20 percent of schools reported six crimes or more. One out of every ten schools reported a serious violent crime during the past year.

Mr. President, crime in school is a double threat—a threat not just to safety and property, but to our entire educational system. Parents should worry about their children dodging homework, not dodging bullets. Teachers should be able to devote their energy to promoting academic achievement, not counseling victims. And students should be focused on their next exam, not on making it safely to the next class.

While the States have the primary responsibility for both education and criminal justice, and the Federal Government cannot give every neighborhood crime-free schools, I believe the Congress should do more. The Federal Government can help by supporting innovative efforts by local communities and law enforcement to improve safety, by sharing insights gained from these efforts with communities across the Nation, and simply by focusing attention on this problem.

During past Congresses, I supported prevention programs to assist local communities, including drug resistance education, school security grants, and the Gun Free School Zones Act. In 1993, I worked to create a Commission on Violence in Schools to study school safety. I've also voted for additional deterrence measures, including adult prosecution of armed juveniles who commit violent crimes, and increased funding for juvenile prisons.

Last fall, I proposed an amendment to permit funds available under the Community Oriented Policing Services Program (COPS) to go to school safety initiatives. COPS funding has been restricted in the past to hiring new police officers. The amendment I proposed, and the Senate adopted, expanded the use of COPS funding to reward innovative crime-reduction efforts by communities and law enforcement, to share knowledge about successful school-safety programs, and to raise public awareness about school crime. Thanks to the support of Senators GREGG AND HOLLINGS, $17.5 million in grants were made available in fiscal year 1998. The grants will be awarded later this fall to communities across the Nation.

This spring, I spoke with Senators HOLLINGS and GREGG and urged them to continue and expand this program in fiscal year 1999, and I am grateful for their generosity and their commitment to the cause. The chair and ranking member provided more than $210 million for a Schools Safety Initiative. Under this initiative, $10 million will support research in technology to improve school safety, such as weapons detection equipment. Another $25 million will fund community efforts to promote nonviolent dispute resolution, to train teachers and parents to recognize troubled children, and to strengthen families.

The bulk of the School Safety Initiative, $175 million, will be administered under the COPS school safety program that I initiated last fall. I believe this funding level is a strong statement to students, parents, teachers, and law enforcement. This program indicates that school safety is a national priority, and I hope schools and communities across the Nation will respond.

A number of schools in Virginia have already taken action. Some have set up anonymous crime tip lines for their students. Police in Richmond work with students to promote peaceful conflict resolution and drug resistance education. Other communities, such as Pulaski County, have actually placed police officers in schools.

One remaining concern I have is the attention to this issue will receive from future Congresses. In my view, the matter of school safety deserves sustained attention, and continuing support from the this body. There are several juvenile justice reform bills pending before the Senate, and I'd like to move forward on legislation in this area this year. Unfortunately, that appears unlikely.

Therefore, I look forward to working with my colleagues next year to schedule a full debate on juvenile justice issues, as a well as to provide continued support for school safety through the appropriations process during conference with the House this year and next.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3243

(Purpose: To amend the Federal Rules of Criminal Procedure, relating to counsel for witnesses in grand jury proceedings, and for other purposes)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 3243.

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

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

The amendment is as follows:

At the appropriate place in title II of the bill, insert the following:

SEC. 2 . GRAND JURY RIGHT TO COUNSEL.

(a) IN GENERAL.—Rule 6 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (d), by inserting "and counsel for that witness (as provided in subdivision (h))" after "under examination"; and

(2) by adding at the end the following:

"(h) COUNSEL FOR GRAND JURY WITNESSES.—

"(1) IN GENERAL.—

"(A) RIGHT OF ASSISTANCE.—Each witness subpoenaed to appear and testify before a grand jury in a district court, or to produce books, papers, documents, or other objects before that grand jury, shall be allowed the assistance of counsel during such time as the witness is questioned in the grand jury room.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. BUMPERS addressed the Chair.

Mr. GREGG. Will the Senator yield for a question?

Mr. BUMPERS. Yes.

Mr. GREGG. We were working on a unanimous consent agreement that would allow a second degree to be offered to the Senator's amendment, which would be reserved to the majority. Does the Senator object to such an option? It would be a relative second degree.

Mr. BUMPERS. I don't know. I need to meditate on that.

Mr. GREGG. That is why we are meditating on the yeas and nays.

Mr. BUMPERS. I noticed there was no prompt response on that side of the aisle to a request for the yeas and nays, so I assumed some sort of cabal was in the works.

Mr. GREGG. We would look forward to a vote on the Senator's amendment, but we do want to reserve the right to a second degree.

Mr. BUMPERS. I am not sure I look forward to voting on a second-degree amendment, but then it may be, if we are going to have a unanimous consent agreement of any kind, it might preclude a second-degree amendment.

Let me think about it.

Mr. GREGG. I thank the Senator.

Mr. BUMPERS. I want to suggest to each Senator that they meditate on this proposition.

The doorbell rings and the Senator's wife answers the door. There is a nicely dressed person, in a suit and tie, standing at the door. He hands her a paper, and she says, "What is this?"

He says, "That's a subpoena."

She says, "What does that mean?"

He says, "That means that the district attorney, the United States attorney wants to question you."

"Well, about what?"

"I don't know."

"What does this paper mean?"

"It means that you don't have any choice. You must go down and appear before the grand jury."

"Well, how long will that take?"

"Well, as a matter of fact, sometimes it takes several days. Some witnesses have been known to have to appear for 5 and 6 and 7 days, different times."

"But I don't know anything. What can I testify to?"

"Ma'am, I'm just a functionary. I have been requested, and it is my official duty to present you with this subpoena. Incidentally, the U.S. attorney also wants you to bring all of your telephone calls and also any other documents or letters you may have in your possession that would relate to anything."

"Well," she says, "Do I get to bring a lawyer with me?"

"Oh, yes, ma'am, you can bring a lawyer."

Then she says, "Well, can my lawyer sit in the grand jury room with me?"

"No, ma'am, I'm afraid not. Your lawyer can sit outside the grand jury room but he can't come in the room with you."

Now, to a lot of people, this is a real story. This is not an Orwellian bad dream. This is what happens to a lot of innocent people in this country on a daily basis. She doesn't have any choice but to show up.

If she had been arrested and charged with a crime, and she was a possible criminal who was about to go on trial and serve jail time if convicted, she would have a constitutional right to a lawyer, or to remain silent. She would not have to tell the U.S. attorney anything. She could remain silent. She could not only remain silent; she would be provided a lawyer if she could not afford one.

How many times has every person in the Senate stood on this floor and said criminals have more rights than ordinary citizens?

In this case, it is true. I just gave you a classic illustration of why it is true. If this woman were arrested by the police, or charged with a crime, they couldn't treat her in such a way. But, because she is an ordinary witness, an innocent citizen, she can be made to go and testify. She can be made to bring any documents the U.S. attorney chooses to make her bring. She can be required to walk in the grand jury room and sit alone on the stand in abject terror because her lawyer is not permitted in the room with her; he must sit outside.

It is true that she can ask for a recess, leave the witness stand and say to the court, say to the U.S. attorney:

"Before I answer that question, I would like to talk to my lawyer."

He says, "OK."

So she goes outside and she asks her lawyer, to whom she has just paid a $5,000 retainer because she is terrified—not because she has done anything wrong—she has just paid this lawyer $5,000. They are people of very modest means. He cannot go in the grand jury room, but she can go out and ask him a question. She is not a lawyer and she is not sophisticated enough to know on what questions should she defer to her lawyer. She could answer the most incriminating question in the world, in all of her legal ignorance, and not know she had just implicated herself.

What if she says to the man who appeared at her door with a subpoena:

"You say you don't know what they want to talk to me about?"

He says, "Well, it's about the parking meter scandal."

"I don't know anything about any parking meter scandal."

"Well, I'm sorry, ma'am."

She says, "If they asked me something and I can't remember it, or if I try to remember and I give them an answer and it turns out to be wrong, then what happens?"

"Oh, then in that case, ma'am, they may charge you with perjury."

Here is a classic case of a criminal justice system that is not working. I heard all these lamentations about human rights in China, but you tell me, how much worse can a situation get, when innocent people every day in this country are called to testify—and, frankly, as good citizens they should be willing to testify—but when they get in the grand jury room with the U.S. attorney, they are subject to his mercy. He can ask them—he can ask this woman, first crack out of the bat, in this investigation of a parking meter scandal:

"Have you been faithful to your husband ever since you got married?" He can do this because there is no requirement of relevancy in the grand jury.

"Well, as a matter of fact, I think that's personal."

"Ma'am, I'm asking you a question. I want an answer. I understand that one of your children is gay; is that true?"

"Well, what's that got to do with anything?"

"Ma'am, I'm asking you the questions. I'm the U.S. attorney here, and I can ask anything I want. Is it true one of your children got picked up one time on a pot charge when he was a senior in high school?"

"What is that relevant to?"

"Ma'am, as I said, I'm asking the questions here. Now, I'm asking you, and you are legally required to answer truthfully."

Senators, I'm going to tell you something. You think this is farfetched? Believe me, believe me, it is not. It happens all the time.

You ask yourself this question: How would you like to be in the grand jury room without a lawyer—nobody—and you ask the U.S. attorney:

"Look, I would like to go outside the room. My lawyer is sitting just outside the door. I would like to talk to him and ask him whether I should answer this question or not."

"You have a right to do that, ma'am. Go right ahead."

She goes out. After awhile, he asks her another one of those silly questions. And she says, "You know, I don't know how to answer that. I need to talk to my lawyer again."

The third time she does that, these grand jurors start nudging each other. "This woman is hiding something. She knows a lot more than she is willing to talk about. Why is she going outside to talk to that lawyer so much if she doesn't have something to hide?"

That is the psychological part of trying lawsuits. I am telling you, I was a trial attorney for 18 years before I became Governor. I have seen prosecuting attorneys, I have seen local district attorneys, I have seen U.S. attorneys, eaten up with political ambition. And when they are eaten up with

political ambition, do you know what they want? All the notches in their belt they can get. They want to be able to boast, "I never failed to get an indictment I asked for."

The chief judge of the State of New York once said, "You can get a grand jury to indict a ham sandwich if you ask them to." I had a U.S. attorney tell me one time, "I have never failed to get an indictment from a grand jury." I can tell you, if he had ever failed to get one, that would be one of the most abysmal failures I have ever heard of, because I know all kinds of U.S. attorneys and DA's all over this country who have been able to get an indictment every time they ask for one. Do you know why? Because there are 23 grand jurors sitting there who know nothing except what the U.S. attorney proposes to tell them, only what the witnesses he decides to call will tell them.

Mr. President, I am not talking as any bleeding-heart liberal. I have defended a few criminals in my life. A couple of them I felt pretty sure were guilty, but the first thing I learned in law school is that this is a nation of laws; everybody is entitled to a lawyer, and to a fair trial.

The grand jury system has gotten so bad that 27 States in this Nation have abolished grand juries. You think about that. The States are always ahead of us in Congress. Mr. President, 27 States have abolished the grand jury system, and 18 States have laws that allow the attorney for a witness to sit in the grand jury room with the witness. Now, what do these states know that we don't know?

My amendment is just about as simple as you can make it. It says one thing, that a witness who has an attorney and wishes that attorney to sit in the grand jury room with them may do so. What is wrong with that? You tell me. Anybody, tell me.

If a U.S. attorney is afraid to ask questions because he doesn't want her attorney to hear, what is objectionable about it? And why should he? Why should a U.S. attorney fear asking any question that he is going to ask later, perhaps, in the courtroom anyway? This is supposed to be a fair fight. Is he afraid of the truth?

Do you know why we have a grand jury system? Because the Federal Government was not to be trusted and the Founding Fathers put the requirement in the Fifth Amendment: We will have a grand jury system. And the reason we cannot abolish it is because it is in the Constitution, and I would not change that. The States are not so fettered, and they are abolishing it right and left because they know that grand jury system is often not fair. It is just short of a Star Chamber proceeding because only one side of the case is heard.

In medieval England people were tried by ordeal—they were thrown into the lake or had their hand dunked in boiling water. If they survived the ordeal, they were innocent. If they didn't, it didn't make any difference. That is what was called a Star Chamber proceeding. That is what people used to go through when they missed church. They were put in the stocks or they were subjected to boiling water or a whole host of other things.

So that is the reason that many of the Founding Fathers came here after being abused and abused and abused in England. Because they were mostly a poor class, and they didn't trust Government. Because they had not trusted the King, they knew the King had all the cards, and they wanted to level the playing field and they wanted it to be a fair fight. I can tell you, we do not have a fair fight now in the grand jury.

So, isn't this just simple justice, to allow a witness to have a lawyer? Is this complicated for anybody listening, that a witness who is not charged with anything should have a right to a lawyer in the courtroom, not sitting outside? Do you think a U.S. attorney would start off asking a Senator's wife if she had been faithful to him all of her life if her attorney was sitting there? I promise you he wouldn't. Do you think he would ask if her children were gay or had ever smoked pot if her lawyer was sitting in the room? Of course, he wouldn't. This is about simple deterrence of misconduct.

I ask those who will oppose this amendment, What is the prohibition now under existing law to keep a U.S. attorney from asking those kinds of abusive questions, and worse? There is none.

I remember one time talking with Senator McGovern when he was a Senator. One of these questions came up about charging everybody with everything and vetting everybody who came through. If you get nominated to an executive position, you have to go through a kind of inquisition. George McGovern said, "I want it on the record right now: I stole a watermelon when I was 12 years old."

I can tell you, what we have right now in the grand jury system is not fair, and every Member of this body knows it. I am not defending criminals. I am not saying give criminals an upper hand. What I am saying is give witnesses the same choices you give a defendant, the criminal, which is the right to the assistance of counsel, as guaranteed in the Sixth Amendment.

Mr. President, I hope everybody understands this issue. I don't want to belabor it. It is the kind of amendment that doesn't need a lot of discussion. But you think about this, I say to Senators, your wife or family member who is as innocent as a newly ordained nun, who never did anything wrong in her life, is going before the grand jury system hardly knowing why she has been called and then subjected to day after day after day of testimony, or even 2 hours of testimony—whatever it is. At least put her on a par with the criminal defendants who are arrested and have to be placed on trial, who have a right to an attorney.

Mr. GREGG. Will the Senator from Arkansas yield for a unanimous consent request?

Mr. BUMPERS. I will be happy to yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to debate the following amendments—one which we are now debating—with votes in relation to the issues to be postponed to occur on Wednesday, July 22, at 9:40 a.m.

I further ask unanimous consent that no second-degree amendments be in order, and that all debate be concluded this evening; that there be 2 minutes for debate for closing remarks prior to each vote in the stacked sequence, with the exception of the vote in relation to the Bumpers amendment, on which there will be 10 minutes for closing remarks. The amendments to be debated are as follows: Moseley-Braun, an Internet prevention amendment; Graham of Florida, sheriff's auction; and Bumpers amendment on grand juries, which we are presently debating.

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

Mr. GREGG. In light of this agreement, there will be no further votes this evening, and the next votes will be in a stacked sequence beginning at 9:40 a.m.

Mr. BUMPERS. Mr. President, that is a perfectly fair, legitimate undertaking, and I will not be much longer. Senator LEVIN is here and wishes to speak on the amendment, and any other cosponsors of the amendment who are listening should feel free to come over and speak, if they choose.

The point I was about to make, and I will close on this—is this: The American people are fairly happy right now because the economy is going well. But I can tell you, there is one underlying sentiment in this country that is undeniable, and it is that the vast majority of the people in this country don't think we, who live in this rarefied atmosphere, know what their everyday lives are like, and they are right. They are right.

Here is an opportunity to restore people's confidence in the system. It doesn't happen often. One of the reasons this amendment may not prevail is because in the scheme of things, with 268 million people in this country and probably no more than, what should I say, 10,000, 20,000 at most will appear before grand juries in any given year and answer questions, who cares about 10,000 people out of 268 million? I care. If I didn't, I wouldn't be staying here tonight to offer this amendment.

I first started to object to voting on this in the morning, but the more I thought about it, the more I thought that it might be good. It might be good for Senators to reflect on this overnight and to think about the fact that justice denied to one single soul is an aberration to a free nation.

I sincerely hope people will think about this and think about it in terms of their own personal lives—not some obscure thing you read in the Washington Post every morning or the New York Times—but you think about some of these things happening to people, and ask yourself: How would I feel about that? And, if a member of your family were involved, wouldn't you wish that this amendment was in place as a matter of law?

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been listening to my distinguished colleague from Arkansas and his very literal discussion of the grand jury process. It isn't quite as simple as my colleague is explaining.

The reason we have a grand jury process and the reason we don't allow attorneys in there is because that process is to remain secret. Under rule 6(e) of the Federal rules, people are not allowed to talk about what happens within the grand jury—certainly the prosecutors are not allowed to talk about it. That doesn't mean they have to be totally, meticulously unable to talk about the cases that they are handling. But basic 6(e) grand jury testimony is not permitted to be talked about, and there is a reason for that. There is a reason for not allowing attorneys into the grand jury proceedings.

The distinguished Senator from Arkansas seems to have the opinion that in almost every case, or at least in many cases, prosecutors will act irresponsibly, improperly, will take advantage of witnesses, will abuse the law. And I do not believe that is the case.

But one reason why grand jury proceedings have been basically secretive is because, let us say the prosecution was doing a major investigation of organized crime. You can bet your bottom dollar with every witness who goes before that grand jury they would have the same organized crime attorney or attorney representing organized crime or those organized criminals in that grand jury proceeding. Every one of them would want that attorney there, except those who are blowing the whistle on the criminals for whom the grand jury is being held to begin with.

In other words, it would be almost impossible to ever get a witness to come forward in grand jury proceedings of any consequence involving organized crime, and sometimes not so organized crime, because the minute that person appeared, it would be known who literally was testifying against the people whom the prosecutors were trying to bring the actions against.

So it isn't quite as simple as the distinguished Senator has said, although I share some of his concerns. If there is any evidence that grand jury proceedings have been used to abuse witnesses or have been used to seduce witnesses into incriminating themselves, or have been used to ask questions that are irrelevant, such as some of those suggested by my distinguished colleague, then, yes, I agree with him, something ought to be done to prevent those types of things from happening, and perhaps we should look at this whole area.

On the other hand, we have suggested to him that the way to do this would be, of course, to let the judicial conference look at this and make recommendations and really look at all sides of this issue so we do not go into this half cocked and throw out a system that has served this country well over 200 years just because there are some alleged occasional prosecutors who might abuse the process.

It is not quite as simple as people try to make it seem. The grand jury proceeding has served this country well for well over 200 years. And, yes, some of these issues that are raised are ones that trouble me as well. But before we throw this out and before we decide to allow attorneys in the room, then it seems to me we ought to at least have a thorough study to determine whether throwing it out is the thing to do, whether that is going to really be a better process than what we have today. I don't think it will be.

But it does not take many brains to realize the current grand jury process is one-sided. The prosecutor can present whatever the prosecutor wants. And unscrupulous prosecutors can bring an indictment against almost anybody by just basically asking the grand jury to do it, because there is nobody in there to represent the rights of the accused.

The distinguished Senator does raise some very important issues, but I would prefer that we look at this in a very broad-based study that really looks at the pros, the cons, the good, the bad, and helps us to make a determination here. If, after a study like that, we find that the distinguished Senator is primarily right, and that there are many injustices that occur through grand jury proceedings, then I would be the first to join him in making the changes that he would request here this evening.

But frankly, I think that is the type of thing that should be done, that should be done carefully and deliberately. And we should not throw out 200 years of history and 200 years of grand jury proceedings that have served this country at least ostensibly very well because we are concerned that there may be some abuses of this particular process in some instances.

My experience has been that there are very seldom abuses, that the system works well, that it is a system that can bring indictments against those who deserve indictments brought against them; and especially in the area of organized crime, it is a very useful and worthwhile system.

Having said that, that does not mean that I am ignoring what my distinguished friend and colleague has said or what he believes, because I myself have some concerns, as he does. Personally, I believe that in most instances it is a good thing to give people the right to have their counsel there. And remember, grand jury proceedings can bring down indictments but they cannot convict people.

On the other hand, once the indictment is brought down, that amounts to a criminal defense that must be waged in almost every case. So I hope that I can talk my colleague into having a major, major review and study of this rather than doing something that literally throws out the system or at least changes the system dramatically in such a way that might have very detrimental effects in our getting to the bottom of organized crime, to the bottom of organized criminal conduct with regard to drugs, to the bottom of criminal activity in general where witnesses might be intimidated or afraid to even appear before grand juries.

The more we do this, I think the more we are going to find that some of those concerns may outweigh some of the concerns that the distinguished Senator has, because I do not believe that you can point to many instances as a whole—as a whole—where the feelings or complaints of the distinguished Senator from Arkansas are actually fulfilled.

Currently, all witnesses may leave the grand jury proceeding or grand jury room to consult with their attorneys anytime they want. Now the Senator makes a good point when he says, How is that person going to know whether they are incriminating themselves if they are not skilled in the law, if you have a skillful grand jury prosecutor in there asking questions? And that is a tough question to answer.

But the fact of the matter is that if they have an attorney to begin with, that attorney is going to say, "Don't answer anything unless you talk to me, so tell them after each question you want to come out and talk to me." That has been my experience where you have attorneys who are concerned about their clients going in before the grand jury. And there is a way to be

represented by an attorney to not say one word or to answer one question without continuously going out and discussing it with your attorney. So there is a protection.

The difference is that, if I am correct—and I believe I am—there are instances where the grand jury proceeding works better than any other system we have ever had, especially in the area of organized crime. I would be very hesitant to throw out that system without the study by those who are experts in this field and those who really can make a difference in determining just what is right and what is wrong here.

But having said that, I have raised these concerns. I hope my colleague will consider having a study. I would join with him in that. We can place a limited period of time on it, and if that study proves to augment his feelings and proves his thesis here, then I may very well join with him in making the changes that he would like to make here today.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 3243, AS MODIFIED

Mr. BUMPERS. I ask unanimous consent that I be permitted to send a modification to the amendment.

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

The amendment, as modified, is as follows:

At the appropriate place in title II of the bill, insert the following:

SEC. 2 __. GRAND JURY DUE PROCESS.

(a) IN GENERAL.—Rule 6 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (d), by inserting "and counsel for that witness (as provided in subdivision (h))" after "under examination"; and

(2) by adding at the end the following:

"(h) COUNSEL FOR GRAND JURY WITNESSES.—

"(1) IN GENERAL.—

"(A) RIGHT OF ASSISTANCE.—Each witness subpoenaed to appear and testify before a grand jury in a district court, or to produce books, papers, documents, or other objects before that grand jury, shall be allowed the assistance of counsel during such time as the witness is questioned in the grand jury room.

"(2) POWERS AND DUTIES OF COUNSEL.—A counsel retained by or appointed for a witness under paragraph (1)—

"(A) shall be allowed to be present in the grand jury room only during the questioning of the witness and only to advise the witness;

"(B) shall not be permitted to address the attorney for the government or any grand juror, or otherwise participate in the proceedings before the grand jury; and

"(C) shall not represent more than 1 client in a grand jury proceeding, if the exercise of the independent judgment of the counsel on behalf of 1 or both clients will be, or is likely to be, adversely affected by the representation of another client."

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to say a few things about grand juries. I spent 15 years as a Federal prosecutor working with grand juries on a regular basis. And people say, "Oh, it's a secret proceeding." Well, would you rather have your witnesses have to go and testify in open court?

You see, the purpose of a grand jury is simply to determine whether there is probable cause to believe a crime has been committed and whether the defendant probably committed it, to set that case for trial. It is a protection. Some say, "Well, just let the prosecutors indict and eliminate the grand jury because the grand jury will indict a ham sandwich." I heard that here today. Grand juries will not indict a ham sandwich.

You have to present evidence to them sufficient for them to understand the charge; and the evidence that is presented is before they will return an indictment and set the case for trial. At trial, the burden of proof is not "probably committed a crime"; at trial the burden of proof is "beyond a reasonable doubt"; to a moral certainty sometimes the judge charges the jury. So that is where the trial takes place.

Now, I recall a line by Justice Macklin Fleming in California. He said, "Perfect justice is not achievable in this life. In the pursuit of perfect justice, we destroy what justice is achievable."

Well, I just say that an obsession with everything becoming more and more complicated is not the history of our Nation and its criminal law. The founders of our country realized you needed a trial and that people who are accused of crimes ought to have a chance to present their defense fully before a jury of 12 citizens, with their lawyer there to argue, debate, object, and do everything possible to defend that client in that trial, but there ought to be a vehicle to decide whether a case should go forward. They decided it was better for the defendant and for the witnesses when a charge is brought by virtue of a grand jury investigation before citizens of the community, if the testimony is taken in secret, so that if the evidence is not sufficient, the public may never even know that the individual was under investigation and his reputation would not be stained.

I submit to you that sometimes grand juries will not indict. And also, in the course of an investigation, a prosecutor may discover, as his witnesses are called and put under oath, that the good case he thought he might have had was not sufficient. Many times I have pulled a case after presenting evidence before a grand jury because I was not confident, and the grand jury wasn't confident, that there was enough evidence to proceed to indictment. Sometimes I presented grand jury indictments to a grand jury and thought there was evidence to indict and a grand jury declined to do so. That is the power and privilege they have been given under our laws in this country.

Based on my experience, the grand jury system certainly is working. It has served us well for 200 years. I think we ought not to, this late night, without any debate or without any analysis or without any hearings, alter this historic principle, which I believe protects citizens from embarrassment as well as unfounded charges.

I have to suggest and note for the Record, Mr. President, that the Department of Justice strongly opposes this Bumpers amendment. They don't think it is the way we ought to be going now. I share that feeling, and that shows that both I, as a Republican Senator, and the Department of Justice agree on this. I think we are making a big mistake to go forward at this time without having considered precisely what we are doing.

There are a number of important reasons. The chairman of the Judiciary Committee has stated quite a number of those in his excellent legal way, demonstrating his legal skill and analysis of important issues that come before us. He has made that point. I will not take any more time on it. I feel very, very strongly about this issue. I think it would be a colossal error for this body, without any hearings, to change this historic principle, because I will tell you, it will tie the grand jury in knots. You will have another adversarial hearing. You will have two trials instead of one. It will not further the ascertainment of truth, which is the purpose and nature of a grand jury.

I know others need to talk, Mr. President. I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the amendment of the Senator from Arkansas. It embodies a historical principle that has been embedded in most of our psyches and consciousness, which is that an individual has a right to counsel—particularly an individual involved in the criminal justice system has a right to counsel.

Our good friend from Utah says, well, someone appearing before a grand jury can leave the room and get counsel. Indeed, he knows of cases, as do I, where somebody who is in front of a grand jury leaves the room after every question to go outside the door and talk to an attorney.

What is the common sense of requiring somebody who is entitled to counsel not to be able to get that counsel inside the grand jury room? What is the common sense of forcing somebody in front of the jury to leave at the end of each question—leave the grand jury

room to go talk to his or her attorney? How does that meet the ends of either common sense or justice—to force that rigmarole, that process, when we come to something as fundamental and basic as the right to counsel?

I don't think anyone here questions that there is a right to counsel under our Constitution. The question is, Why not then permit that right to be exercised inside the grand jury room? Why not permit the advice to be given to somebody inside the grand jury room, rather than to force that person at the end of each question to say, "Excuse me, I want to go outside the grand jury room to consult with my counsel"?

The only argument that I have heard against permitting that is that, somehow or other, that would tie a grand jury in knots, as our good friend from Alabama just said. But under this amendment, that is not possible, because under this amendment, as modified, it carries out the original language of this amendment, which says that, "A counsel for a witness shall be allowed to be present in the grand jury room only during the questioning of the witness and only to advise the witness, and shall not be permitted to address the attorney for the government, or any grand juror, or otherwise participate in the proceedings before the grand jury."

That is it. This amendment would only permit the attorney, which every person under this Constitution has a right to at least hire, to give advice to a citizen inside the grand jury room instead of forcing that person to leave each time. I think it is a modest amendment. It is a modest amendment because it makes sure that we will not tie up a grand jury in knots. It is a modest amendment because it only says that what we know is right, that someone ought to have a right to counsel when they become involved in the criminal justice system—something that we know is right and something that we know is guaranteed, which is the right to counsel, to be exercised in a sensible way, in a way that doesn't undercut and diminish that very right.

To be forced to leave the grand jury room after each question, in front of that grand jury, it seems to me, undermines the very right to counsel which is guaranteed in the Constitution. But, at a minimum, we, it seems to me, as people who want to defend this Constitution, should say, if there is a right—and there is one—that it ought to be exercisable in a commonsense way.

In 90 percent of the grand jury proceedings, the witnesses are law enforcement officers or other governmental officials who are not likely even to have an attorney or want an attorney. But in those other 10 percent of the cases, it seems to me only fair, only common sense, to avoid the absurdity of making a witness leave the grand jury room after every question in order to exercise a constitutional right to the advice of counsel.

I want to close by emphasizing the words of this amendment, because I think they are very important: "The counsel that a witness is allowed to have in the grand jury room under this amendment is present only during the questioning of the witness and"—these are the key words—"only to advise the witness and not to address the attorney for the government or address any grand juror, or to otherwise participate in the proceedings before the grand jury."

Many of our States allow the attorney to be inside of the grand jury room. Some States do, some States don't. But we have to make up our own minds as to what makes the most sense in this Federal system. It seems to me the most fundamental form of common sense. Forcing a person to get up, walk through the door, and leave the room to talk to someone, I believe, diminishes and undermines the very fundamental right that people have to the advice of counsel.

So there is no tying up in knots in this amendment.

This amendment precludes any possibility that an attorney inside the grand jury room will address the court, will address the grand jurors, will address the prosecutor. All that is permitted under this amendment, and all that is required under this amendment, is that the counsel for the witness be allowed to be present in the grand jury room, and only to advise his or her client.

I want to commend the Senator from Arkansas for his extraordinary courage and, as always, his eloquence in presenting a case.

I think that if we will all think about this basic right overnight, hopefully the majority of this body will do what at least a number of States have done, and that is to permit the attorney to be inside the grand jury room solely for the purpose of advising the witness.

I thank the good Senator for his leadership.

TECHNICAL ASSISTANCE FUNDING

Mr. STEVENS. Mr. President, one of the most significant economic problems facing Alaska is the underdevelopment of the business sector in our rural areas. Alaska's vast size, lack of highway infrastructure, and numerous small, remote communities present unique problems requiring unique solutions. If we want to empower people to move from assistance to self-sufficiency we have to grow small businesses in rural Alaska. During the conference on the Commerce, Justice and State appropriations bill, I will ask the conferees to address these issues.

Specifically, my State is suffering from an acute shortage of technical assistance funding to provide training and other services specific to rural needs. This is a need that can be satisfied under SBA's 7(j) program. Additionally, I am informed that regulations promulgated in 1995 have virtually eliminated all small business lending by banks and other financial institutions in Alaska under SBA's 7(a) lending program. Before 1995, the 7(a) program provided critical financing in rural Alaska, and I intend to explore ways to make the program viable once again in Alaska. Finally, Alaska's size and remoteness will require SBA to adopt high-tech solutions to facilitate service delivery. I will seek to create an electronic assistance center within the SBA specifically designed to provide Internet connectivity, outreach and training to rural areas specifically in Alaska.

I look forward to working with Senator GREGG and his staff and others on this issue. It will be within the scope of the conference, I believe.

IDAHO'S VERY HIGH PERFORMANCE BACKBONE NETWORK SYSTEM

Mr. KEMPTHORNE. Mr. President, I rise today to discuss Idaho's Very High Performance Backbone Network system (vBNS).

The State of Idaho is in a strategic position to increase its economic base by strengthening collaboration on research and development projects between the state's universities, state government and business and industry. The U of I was approved, pursuant to a July 31, 1997, submission, for connection to the National Science Foundation's very high performance Backbone Network Service (vBNS). The proposed statewide network would connect the University of Idaho with Idaho State University, Boise State University, state government and industrial partners such as Micron and Hewlett-Packard. For appropriate research purposes, this Intranet could connect through the UI to the vBNS. The Intranet could also be used for distance learning, conferencing, collaborative and other related purposes.

With an Idaho Intranet, Idaho educators will have access to the next generation of teaching/learning tools and materials available under Internet2 (I2), to be used for K–12 and higher education. It will support continuing professorial education, as well as industry workforce development, training and re-training.

With the Idaho Intranet, Idaho businesses will be able to take advantage of the advanced networking capabilities that is the goal of the I2 program. The Intranet would provide a tremendous opportunity to strengthen Idaho's rural economic base. The state's businesses will have access to ground floor participation in the next level of internet

commerce. Abilene and vBNS will provide access to early product development, testing and market entry. Access to virtual conferencing would give businesses like Jerome Cheese Company in Jerome, Idaho, the opportunity to be in "real-time" video contact with its customers in Tokyo, Japan.

Also, the Idaho Intranet will help telemedicine become a reality, improving rural healthcare and helping to address the shortage of doctors in rural Idaho. Idaho ranks last in the nation in numbers of doctors serving rural population healthcare needs—the national average is 93 physicians per 100,000 people. Idaho stands at 63 per 100,000, a third less than the national average, according to a recent study. We must change that and the Intranet will help.

With this funding, the state's schools, colleges and businesses will have access to the I2 to test new products and materials. The UI WWAMI program, for example, is developing an advanced web site with videos of animal anatomy that will allow students to learn about anatomy without using live animals. Current internet technology is not adequate to handle the amount of information placed on the site, but I2 access will make it a viable educational tool available around the state.

The result of an Idaho Intranet will be not only research and learning opportunities, but job creation and business competitiveness for the state of Idaho, and improved quality of life for the people of Idaho. It is for this reason, Mr. President, that I ask for the Senate's support for this project.

IDAHO INTRANET

Mr. KEMPTHORNE. Mr. President, I would like to ask the distinguished floor manager of the bill a question. Potentially, one of the most important programs funded under the Commerce, State and Justice appropriations bill is the Information Infrastructure Grants program. This grants program recognizes the need for assistance to ensure that the American public has full access to and benefits from the technological advances that are taking place in telecommunications and networking. Certainly, the new universal service provisions will make many contributions to the K–12 education community, the library community and the health care community. But, there are also a number of other telecommunications and networking activities which could be of particular benefit, especially in some of the more rural states, such as mine.

In my home State of Idaho, for example, the University of Idaho recently was awarded a vBNS high speed connections grant by the National Science Foundation and accepted an invitation to participate in the Internet2 program. This will give our university researchers access to databases throughout the nation and world, allow for remote use of scientific instruments and set the stage for many new collaborations. The UI has proposed establishing an Idaho Intranet to ensure that the people of rural Idaho will be able to benefit from the resulting access to education, medical information, and business opportunities, which are anticipated as a result of the advanced networking capacity.

I believe the distinguished floor manager and his subcommittee have reviewed the information infrastructure grants program in some detail and believe it has a particular role to play in our telecommunications and networking efforts.

Mr. GREGG. Yes, that is true. In fact, in the report, the Committee identified several projects in rural states around the country and encouraged the NTIA to give particular attention to these requests for funding assistance under the IIG program.

Mr. KEMPTHORNE. Mr. Speaker, the UI's proposal would give rural Idahoans, who must deal with the lowest physician to patient ratio in the nation, access to better health care. It would give my state's rural economy a boost with real-time access to its customers. It would provide key communications links between the state's education institutions, businesses and state governments. Would you agree that the University of Idaho's proposal, to establish an Idaho Intranet and provide access to the benefits of the information and technology to be available under programs such as the vBNS and Abilene, is consistent with the Committee's proposals under the Information Infrastructure Grants program?

Mr. GREGG. Yes, I would agree that the NTIA should give the same consideration to the UI's proposal as to the listed proposals.

COORDINATED DRUG STRATEGY

Mr. HATCH. Mr. President, I would ask to engage the Senator from New Hampshire, Mr. GREGG, and the Senator from Delaware, Mr. BIDEN, in a brief colloquy regarding a portion of the report which accompanies the bill, directing the Attorney General to develop a 5-year interdepartmental drug control strategy. Both Senator BIDEN and I believe that this provision may be misinterpreted, and I request the Senator's assistance in providing some clarification. As a general matter, I have long believed that an effective national drug strategy can best be developed and implemented if we have one responsible official charged with that duty.

Mr. BIDEN. I agree. And, as both my colleagues know, the Office of National Drug Control Policy (ONDCP) was established by Congress in 1988 for precisely the purpose of coordinating the federal government's anti-drug program.

Mr. HATCH. That is true, but the report language seems to suggest that the Attorney General assume some of these responsibilities. Is this how the Committee meant for its guidance to be interpreted?

Mr. GREGG. I appreciate both Senators' concerns on this subject. Although I see how it might be possible to read this into the Committee's Report, this is not the Committee's intent. The Department of Justice, like all Executive Agencies, is to develop a meaningful strategic plan and performance measures under the Government Performance and Results Act (GPRA). In so doing, the Committee wants to be certain that these GPRA efforts are consistent with the National Drug Control Strategy and the ONDCP's Performance Measures of Effectiveness System (PME). The Department of Justice must demonstrate how its own drug programs contribute to the achievement of outcomes articulated in the ONDCP's PME system. To ensure this, the Attorney General must work closely with ONDCP on the further implementation of the National Drug Control Strategy and PME system, particularly by linking its drug control budget resources to the outcomes articulated by the PME system. The Justice Department should also consult with other departments with expertise in particular drug control areas, to the extent that it needs assistance in meeting PME system goals.

Mr. HATCH. As the sponsor, along with the Senator from Delaware, of legislation pending on the floor which would reauthorize the Office of National Drug Control Policy, and maintain its duty to formulate and implement the National Drug Control Strategy and Performance Measures of Effectiveness System, I agree that the Department of Justice should assist ONDCP in these important tasks.

Mr. BIDEN. I concur.

Mr. HATCH. So, if I correctly understand the Senator from New Hampshire, it is not then the Committee's intent to place the Attorney General in charge of formulating the National Drug Control Strategy?

Mr. GREGG. No, quite the contrary. ONDCP is to continue in its important work, and the Department of Justice is to provide ONDCP with such assistance as it may need to develop and implement the National Drug Control Strategy and the Performance Measures of Effectiveness System.

Mr. BIDEN. I thank the Senator for clarifying the Committee's intent on this important issue.

Mr. HATCH. I also thank the Senator from New Hampshire for addressing my concerns on this issue.

GRAVEYARD OF THE ATLANTIC MUSEUM

Mr. FAIRCLOTH. I wish to enter into a colloquy with Senator GREGG in order to clarify a spending item in the pending Commerce, Justice, State Appropriations bill.

I commend the Chairman on this bill, and for his attention to providing funding to the Graveyard of the Atlantic Museum, a public, nonprofit, educational institution, designed for Hatteras Island, one of North Carolina's Outer Bank islands. The Museum is dedicated to the preservation, advancement and presentation of the maritime history and shipwrecks of the Outer Banks, from 1524 until the present.

Over three million tourists visit the Outer Banks each year, the vast majority of them interstate visitors. It is expected that approximately 100,000 tourists would visit the Museum, thus paying the full cost of running it, since a modest fee would be charged.

The Museum has received federal, state, local and private funding in the past. Earlier this decade, Congress appropriated $800,000 from NOAA's construction budget towards this project.

I wish to clarify that the bill's provision of $1,500,000 from NOAA's facilities budget to the "Outer Banks Community Foundation on the condition that these funds are matched by a non-Federal source" is intended solely to be passed through to the Museum.

Mr. GREGG. That is correct, and I appreciate my colleague from North Carolina bringing this matter to my attention. I look forward to working with him until this worthy project is completed.

Mr. BENNETT. Mr. President, the distinguished Chairman is aware of the importance of weather forecasting support for the 2002 Winter Olympics in Salt Lake City. I appreciate the continued support of the Committee with these important preparations for the 2002 Winter Olympics. Millions of spectators will gather in mountain venues. Obviously, accurate and timely weather forecasting support is critical to ensure the safety of both the spectators and the athletes. As you know, the Committee directs the National Weather Service to provide support to the NOAA Cooperative Institute at the University of Utah. It is my understanding that the committee expects the National Weather Service to work with the Cooperative Institute to develop a plan and budget which will help ensure public safety and assist with the operations of the Games. The 2002 Winter Games represents an excellent opportunity for the National Weather Service and the Cooperative Institute to work with private meteorological firms and federal, state, and local agencies to provide accurate weather forecasting for the Games.

Mr. GREGG. The Senator from Utah is correct in his understanding. The Committee appreciates the importance of the involvement of the National Weather Service in preparing for the 2002 Winter Olympic Games.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3244

(Purpose: To amend section 40102 of title 49, United States Code, to modify the definition of the term "public aircraft.")

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the Bumpers amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] for himself and Mr. DEWINE, proposes an amendment numbered 3244.

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

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

The amendment is as follows:

At the appropriate place in title II, insert the following:

SEC. 2 . PUBLIC AIRCRAFT.

The flush sentence following subparagraph (B)(ii) of section 40102(37) of title 49, United States Code, is amended by striking "if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat" and inserting "if the operation is conducted for law enforcement, search and rescue, or responding to an imminent threat to property or natural resources".

Mr. GRAHAM. Mr. President, this evening I rise to offer an amendment with my distinguished colleague, Senator DEWINE. This amendment is intended to assist law enforcement in doing a better job of protecting our citizens and the public safety.

The background of this amendment goes back to 1994. Congress made what I think was an error when it passed Public Law 103–411. Under this law, aircraft belonging to law enforcement agencies are considered to be "commercial" if costs incurred from flying missions to support neighboring jurisdictions are reimbursed.

Unfortunately, this law has placed unnecessary restrictions and costly burdens on Government agencies which operate public aircraft, particularly law enforcement agencies. The law restricts those agencies from using their aircraft resources in assistance of Government agencies and severely limits their ability to recover costs from those agencies which they are assisting. This law even limits the ability of neighboring jurisdictions to enter into mutual aid agreements.

Let me give a typical example of how the current law is operating. In my State of Florida, it is not uncommon to have one medium-sized county which is surrounded by a number of smaller jurisdictions. That medium-sized county has the capability to make an application and secure surplus Government property, frequently a helicopter. That helicopter is used in a variety of public safety and law enforcement activities, often under the jurisdiction of the local sheriff. It may be that one of those smaller counties has a need for a helicopter or other aviation support.

An example of that is, in the northern part of our State we have had instances in which locally grown marijuana has become a serious law enforcement problem. In order to identify that marijuana and effectively eradicate it, the helicopter is an enormous law enforcement asset. Yet, under the current law, if the sheriff from that smaller community wishes to contract, either on an individual case basis or through a mutual aid agreement, with that medium-sized county to get a certain number of hours of utilization of the helicopter and they agree to reimburse the medium-sized county for the cost of that operation, they are in violation of the conditions under which the medium-sized county secured the helicopter in the first place and sanctions might be imposed upon the medium-sized county's sheriff and their capacity to provide effective law enforcement for their smaller neighboring communities.

At the very time when law enforcement faces the growing sophistication and organization of criminals, the Federal Government should not be placing increased mandates on our law enforcement officials. Today, law enforcement officials are forced to call around and check the availability of a private pilot and commercial aircraft before sending out the helicopter of that medium-sized county. Only if no one is available can law enforcement officials respond to the scene.

Under this amendment, public agencies would be permitted to recover costs incurred by operating aircraft to assist other jurisdictions for the purposes of law enforcement, search and rescue, or imminent threat to property or natural resources.

I might say, we just have had a dramatic example of that threat to property or natural resources in the number of wildfires we have experienced across our State, many of them occurring in precisely these smaller counties that are limited in their capability to respond.

Mr. President, law enforcement organizations are strongly supporting this amendment. This legislation has been endorsed by the National Sheriffs Association, the Airborne Law Enforcement Association, the International Association of Chiefs of Police, the Florida Sheriffs Association, and the California State Sheriffs Association.

Some months ago, sheriffs from throughout the country contacted my office seeking help. From my home State of Florida, I have heard from Sheriff Stephen M. Oelrich of Alachua County. Sheriff Oelrich stated, "Public Law 103–411 restricts the ability of a law enforcement aviation unit to assist

Government jurisdictions or other governmental agencies. Instead, it mandates that a local government must first turn to a costly private operator for air service."

This is by no means a problem in my State of Florida alone. I have heard this from sheriffs across the country. Specifically, we have a resolution from the sheriffs of California.

In the words of Sheriff Larry Carpenter of Ventura County CA, Public Law 103-411 has had "a chilling effect on the ability of local governments to provide safe, cost-effective and professional air support capabilities to the very citizens we serve." Let me further quote from an article that Sheriff Carpenter wrote in the Summer 1996 issue of California Sheriff:

The issue of "compensation" fuels this issue to a large degree. According to the FAA interpretation of this law, a sheriff cannot simply recover costs for flying a governmental mission . . . which is "outside a common treasury." This flies in the face of mutual aid agreements between public safety agencies. For example, let's say the Santa Barbara Sheriff's Department, which has no aviation unit, contacts my aviation unit and requests our helicopter fly an observation and surveillance flight of a suspected drug lab which their narcotics and SWAT teams plan to raid in a few days. We fly the mission, undoubtedly with the Santa Barbara deputy sheriff on board, and charge Santa Barbara County only our cost. There is no profit involved. Obviously, this is a sensitive law enforcement mission. Public Law 103-411 says we can no longer do this. Instead, a private operator would need to be contracted at a higher cost to taxpayers.

This is only common sense that instead of restricting the ability of local law enforcement agencies to assist each other, we should be facilitating their ability to serve the public good in as efficient and economical manner as possible.

I urge the adoption of this amendment.

Mr. President, I ask unanimous consent that support from the California State Sheriffs' Association, from the Western States Sheriffs' Association, from the Airborne Law Enforcement Association, from the National Sheriffs' Association, and from the Florida Sheriffs Association be printed in the RECORD.

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

RESOLUTION

Whereas, the California State Sheriffs' Association has many members who manage public service aviation operations; and

Whereas, Sheriffs' Aviation operations are critical to their ability to provide life-saving service to their constituents; and

Whereas, in 1994 Congress passed and the President signed Public Law 103-411, which severely restricted Sheriffs' ability to effectively utilize their aircraft in their mission; and

Whereas, the ostensible purpose for enactment of Public Law 103-411 was the promotion of aviation safety and that Public Law 103-411 accomplished no appreciable aviation safety purpose; and

Whereas, restrictions on the sharing of aviation resources result in reduced public safety and are poor fiscal and public policy; and

Whereas, the California State Sheriffs' Association, in cooperation with the National Sheriffs' Association, the International Association of Chiefs of Police, the Western State Sheriffs' Association, the National Association of State Foresters, the Airborne Law Enforcement Association, and many other State Sheriffs' Associations support amendments to Public Law 103-411 to correct the law's deficiencies; and

Whereas, Representative Elton Gallegly of California has sponsored a bill in Congress and that bill is H.R. 1521, the Public Services Aviation Act of 1997, now therefore; be it

Resolved, That the California State Sheriffs' Association supports the passage and enactment of H.R. 1521, the Public Services Aviation Act of 1997 or its equivalent; and be it also further

Resolved, That the California State Sheriffs' Association executive director or her designee be authorized to transmit a copy of this resolution to all interested parties including, but not limited to California's congressional delegation, House Speaker Newt Gingrich, Senate Leader Trent Lott and the Members of the House Committee on Transportation and Infrastructure.

RESOLUTION

The Western States Sheriffs' Association represents over 200 Sheriffs of the eleven western states. This association exists to promote the professionalism and dedication of law enforcement and works to ensure that the public we serve receives the best in public safety services.

Public Law 103-311 became law in April of 1995. This measure has negatively impacted may publicly operated aviation units around the United States. For years, these units have provided safe, effective and life-saving services to the public.

Public Law 103-411 sought to increase the level of regulation among aviation units which operate surplus military aircraft. Public Law 103-411 fails to enhance safety regulations in any significant way. The regulations now in place serve only to increase the marketplace of commercial aviation operators who have chosen to conduct government business. Profit has been prioritized over public safety.

The Western States Sheriff's Association (WSSA) has recognized that Public Law 103-411, and the interpretation of this law by the Federal Aviation Administration, are not in the best interests of the American public. Further, it is recognized that several public safety aviation associations have formed task groups, networked, and made all efforts at initiating regulatory reform that is effective and meets the needs of the FAA in safety reporting and regulation.

The Western States Sheriffs' Association resolves that Public Law 103-411 is in need of serious review and/or immediate repeal. It is the view of the WSSA that the specific legislative relief suggested by the Aviation Committee of the National Sheriff's Association provides the most realistic solution to this issue.

Aviation public safety members and representatives remain eager to work with any group to enhance the fair regulation and safety of publicly operated aviation units, while at the same time ensuring the legitimate duties of government to provide the most effective, cost efficient and professional aviation services to the public.

Therefore be it resolved, This 30th day of November, 1995, that the Western States Sheriffs' Association at their annual meeting in Mesquite, Nevada go on record in support of legislation that would modify Public Law 183-411 as set forth in this Resolution or to repeal the law in its entirety.

RESOLUTION

Whereas, the Airborne Law Enforcement Association has as a majority of its members persons who are employed in all aspects of law enforcement aviation operations; and

Whereas, those law enforcement aviation operations are a critically essential component of modern law enforcement, especially as they relate to reducing crime, protecting and saving lives, and apprehending dangerous criminals; and

Whereas, in 1994 the United States Congress passed and the President signed Public Law 103-411, severely restricting United States law enforcement's ability to effectively utilize aircraft in legitimate law enforcement missions; and

Whereas, the stated purpose for enactment of P.L. 103-411 was the promotion of aviation safety and P.L. 103-411 accomplished no appreciable aviation safety purpose; and

Whereas, restrictions on the sharing of aviation resources imposed by P.L. 103-411 has resulted in reduced public safety and is poor fiscal and public policy; and

Whereas, the Airborne Law Enforcement Association, in cooperation with the International Association of Chiefs of Police, the National Sheriffs' Association and many other similar associations, supports legislation which would correct the deficiencies of P.L. 103-411; and

Whereas, Representative Elton Gallegly of California has sponsored a bill in Congress and that bill is H.R. 1521, the Public Services Aviation Act of 1997; and

Whereas, at its Annual Meeting on July 19, 1997, the ALEA general membership by unanimous vote authorized the Board of Directors to issue a Resolution in support of H.R. 1521: Therefore be it:

Resolved, That the Airborne Law Enforcement Association supports passage and enactment of H.R. 1521, the Public Services Aviation Act of 1997; and be it:

Resolved, That the Airborne Law Enforcement Association, failing passage and enactment of H.R. 1521, the Public Service Aviation Act of 1997, supports passage and enactment of legislation equivalent to H.R. 1521, the Public Services Aviation Act of 1997; and be it:

Resolved, That the Executive Director is authorized to transmit a copy of this resolution to all interested parties including, but not limited to, Members of the United States House of Representatives and Members of the United States Senate.

RESOLUTION

Whereas, the National Sheriffs' Association has many members who manage public service aviation operations; and

Whereas, sheriffs' aviation operations are critical to their ability to provide life-saving service to their constituents; and

Whereas, in 1994 Congress passed and the President signed P.L. 103-411, which severely restricted sheriffs' ability to effectively utilize their aircraft in their mission; and

Whereas, the ostensible purpose for enactments of P.L. 103-411 was the promotion of aviation safety and P.L. 103-411 accomplishment no appreciable aviation safety purpose; and

Whereas, restrictions on the sharing of aviation resources result in reduced public safety, and are poor fiscal and public policy; and

Whereas, the National Sheriffs' Association at San Antonio, Texas passed resolution 1995–13 strongly opposing the Independent Safety Board Act of 1994, now designated P.L. 103–411; and

Whereas, the National Sheriffs' Association, in cooperation with the International Association of Chiefs of Police, the Airborne Law Enforcement Association, the National Association of State Foresters, the Western States Sheriffs' Association, and many other state sheriffs' associations, supports amendments to P.L. 103–411 to correct the law's deficiencies; and

Whereas, Representative Elton Gallegly of California has sponsored a bill in Congress and that bill is H.R. 1521, the Public Services Aviation Act of 1997; and therefore, be it

Resolved, That the National Sheriffs' Association supports passage and enactment of H.R. 1521, the Public Services Aviation Act of 1997 or its equivalent; and therefore, be it further

Resolved, That the NSA Executive Director or his designee be authorized to transmit a copy of this resolution to all interested parties including, but not limited to, Members of the United States House of Representatives and Members of the United States Senate.

FLORIDA SHERIFFS ASSOCIATION,
Tallahassee, FL, May 28, 1998.

Hon. BOB GRAHAM,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: The purpose of this correspondence is to thank you for your support and personal involvement in correcting the problems created by the passage of Public Law 103–441. The correction of these problems will allow not only the Sheriffs of Florida, but also the Sheriffs across this Nation, to carry out their lawful duties and to utilize agency aircraft to better serve the public safety of our citizens.

Sheriff Tom Mylander, Hernando County, has requested that I forward to you the enclosed information concerning the utilization of aircraft as it relates to juvenile or gang related activities. This information was requested by a member of your staff.

Please let us know if there is anything further that we might do to assist you in your efforts.

Sincerely,

J.M. "BUDDY" PHILLIPS,
Executive Director.

SUPPORT OF PUBLIC SERVICES AVIATION ACT OF 1997

Whereas, air support is a vital component of police operations; and,

Whereas, hundreds of law enforcement agencies at the local, state and federal level operate aircraft; and,

Whereas, in 1994 the United States Congress passed and the President signed Public Law 103–411, which severely restricted law enforcement's ability to effectively utilize aircraft in legitimate law enforcement missions; and,

Whereas, the stated purpose of P.L. 103–411 was the promotion of aviation safety yet of P.L. 103–411 accomplished no appreciable gain in aviation safety; and,

Whereas, restrictions on the sharing of aviation resources imposed by P.L. 103–411 has resulted in reduced public safety and is poor fiscal and public policy; and,

Whereas, the National Sheriff's Association, Airborne Law Enforcement Association and many other associations representing public aircraft operators support legislation that would correct P.L. 103–411; and,

Whereas, H.R. 1521, the Public Services Aviation Act of 1997; is currently before Congress, and

Whereas, H.R. 1521 corrects the deficiencies of P.L. 103–411; now, therefore be it,

Resolved, That the International Association of Chiefs of Police supports the passage and enactment of H.R. 1521, the Public Services Aviation Act of 1997 or its equivalent; and be it further,

Resolved, That the Executive Director or his designee be authorized to transmit a copy of this resolution to all interested parties including, but not limited to, members of the United States House of Representatives and the United States Senate.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Florida has brought forward a very good amendment. It is our hope we could agree to it. At this time, because of the potential of a CBO scoring which could impact the underlying bill, it is impossible for us to do so. So our proposal would be we keep this on the list for a vote tomorrow morning, and if we have not gotten the proper response we are comfortable with from CBO, we can take the issue up at that time and try to resolve it at that point.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Ms. Laurie Zastrow and Ms. Diane Trewin of our office be granted the privilege of the floor for the duration of the consideration of the Commerce-State-Justice appropriations bill.

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

Mr. DOMENICI. Mr. President, the Senate-reported Commerce, Justice, State, and the Judiciary Appropriations bill, S. 2260, represents the excellent work of my distinguished colleague from New Hampshire, Subcommittee Chairman GREGG. It is a difficult task to balance the competing program requirements funded in this bill, and he and his staff are to be commended for their efforts to present a sound and equitable measure for the Senate's consideration.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $33.2 billion in budget authority and $31.8 billion in outlays for fiscal year 1999.

The bill is within the revised Senate Subcommittee's Section 302(b) allocation for both budget authority and outlays. It is $10 million in budget authority and $6 million in outlays below the 302(b) allocation. It is $1.4 billion in budget authority and $2.6 billion in outlays above the 1998 level.

I today submit a table displaying the Budget Committee scoring of this bill.

It is a pleasure serving on the Appropriations Subcommittee with Chairman GREGG. I appreciate the consideration he gave to issues I brought before the Subcommittee, as well as his attention to the many important programs contained in this bill.

I ask unanimous consent the table be printed in the RECORD.

There being no objection, the table was ordered to be pritned in the RECORD, as follows:

S. 2260, COMMERCE-JUSTICE APPROPRIATIONS, 1999—SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal Year 1999, $ millions)

	Defense	Non-defense	Crime	Mandatory	Total
Senate-Reported Bill:					
Budget authority	335	26,775	5,514	554	33,178
Outlays	320	26,285	4,688	555	31,848
Senate 302(b) allocation:					
Budget authority	335	26,775	5,524	554	33,188
Outlays	326	26,285	4,688	555	31,854
1998 level:					
Budget authority	265	25,725	5,225	522	31,737
Outlays	346	24,627	3,779	532	29,284
President's request:					
Budget authority	336	27,534	5,513	554	33,937
Outlays	331	27,030	4,590	555	32,506
House-passed bill:					
Budget authority					
Outlays					
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:					
Budget authority			−10		−10
Outlays	−6				−6
1998 level:					
Budget authority	70	1,050	289	32	1,441
Outlays	−26	1,658	909	23	2,564

S. 2260, COMMERCE-JUSTICE APPROPRIATIONS, 1999—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

(Fiscal Year 1999, $ millions)

	Defense	Non-defense	Crime	Manda-tory	Total
President's request:					
Budget authority	−1	−759	1		−759
Outlays	−11	−745	98		−658
House-passed bill:					
Budget authority	335	26,775	5,514	554	33,178
Outlays	320	26,285	4,688	555	31,848

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. GRAMS. Mr. President, I don't wish to interrupt the debate on this bill, but as no one desires to speak right now, I ask unanimous consent I be allowed to speak for up to 20 minutes as in morning business.

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

Mr. GRAMS. Thank you, Mr. President.

RETIREMENT SYSTEM: THE INTERNATIONAL EXPERIENCE

Mr. GRAMS. Mr. President, in my most recent statements before this Chamber about the Social Security system, I have taken time to discuss its history and the looming crisis, that it will shatter the retirement dreams of our hard-working Americans.

Mr. President, in my most recent statements before this chamber about the Social Security system, I discussed its history and the looming crisis that will shatter the retirement dreams of hard-working Americans. Tonight, I would like to discuss Social Security from a different perspective, by turning our focus away from the coming crisis to look at the steps other nations have taken to improve their own retirement systems. I realize that it may be hard to look outside ourselves for possible solutions to the problems our Social Security system is facing—after all, we are a nation that is typically at the forefront of innovation. But if we set aside our pride, we can learn volumes about the viable international options before us.

Retirement security programs throughout the world will face a serious challenge in the 21st century due to a massive demographic change that is now taking place. The World Bank recently warned that, across the globe, "old-age systems are in serious financial trouble and are not sustainable in their present form." Europe, Japan, and the U.S. share the identical problem of postwar demographic shifts that cannot sustain massively expensive social welfare programs. How to meet this challenge is critical to providing retirement security while maintaining sustainable, global, economic growth.

The crisis awaiting our Social Security system is nearly as serious as that faced by the European Union and Japan. What is equally serious is that, while many other countries have moved far ahead of us in taking steps to reform their old-age retirement systems, Congress has yet to focus on this problem. Some of the international efforts are extremely successful; those reforms may offer useful models as we explore solutions to our Social Security system.

Currently, there are three basic models being implemented abroad that deserve our attention. The "Latin American" model primarily follows Chile's experience. The Organization for Economic Cooperation and Development model, or "OECD," is underway in the United Kingdom, Australia, Switzerland, and Denmark. There is even a third model—the "Notional Account" model—that has been adopted in countries such as Sweden, Italy, Latvia, China, and is on the verge of adoption in Poland.

These models have differences, and the nations implementing them have differences as well—economic, political, and demographic. But they all share a common theme and were born out of the same fiscal crisis that is facing the United States within the next decade. Like the U.S., each of these countries has an aging population, and—before the reforms—had an inability to meet the future retirement needs of their workforce. So in an effort to avoid economic devastation for their people and their nation as a whole, they undertook various reforms that are proving to be a win-win for both current and future retirees.

How did they do it? And what lessons can we—as policy leaders—take from their experiences and apply here at home as we grapple with the shortcomings of our own retirement system? These are some of the questions I will address today in my remarks. The bottom line is that each nation faced the key challenges of taking care of those already retired or about to reach retirement age, ensuring that future retirees benefitted from the changes, and finding an affordable means of funding the transition from a pay-as-you-go government retirement system to a future financing mechanism.

Mr. President, I'll begin with the Latin American model and in particular, focus on Chile's experiences. Back in the late 1970s, Chile realized that its publicly financed pay-as-you-go retirement system would soon be unable to meet its retirement promises. After a national debate and extensive outreach, the Chilean government approved a law to fully replace its system with a system of personalized Pension Savings Accounts by 1980. Nearly two decades later, pensions in Chile are between 50 to 100 percent higher than they were under the old government system. Real wages have increased, personal savings rates have nearly tripled, and the economy has grown at a rate nearly double what it had prior to the change.

Under the Chilean plan, Pension Savings Accounts, or PSAs, were created to replace the old system and operate much like a mutual fund. Like the old government plan, PSAs were to provide workers with approximately 70 percent of their lifetime working income. That is where the similarities between Chile's old and improved retirement programs ends.

When Chile created the PSA system, the existing system of having workers and employers pay social security taxes to the government was completely eliminated. Instead, workers began to make a mandatory contribution in the amount of 10 percent of their income to their own PSA. The old employer taxes were then available to workers in the form of higher wages. Through this evolution from the old, hidden labor tax on workers to the new PSA system, workers saw real gross wages increase by five percent. Furthermore, it reduced the cost of labor—and the economy prospered.

Under the PSA system, a worker has great control over his or her retirement savings account. First, the worker has the ability to choose who will manage their fund from a pool of government-regulated companies known as "AFPs." This provides the worker with the ability to move between managers, while maintaining protections from serious losses resulting from undiversified risk portfolios, theft, or fraud. The resulting competition between AFPs results in lower fees for workers, higher returns averaging 12 percent annually, and better service—something that rarely occurs with government plans.

Second, each worker is empowered to ensure the level of retirement income they desire. Armed with a passbook and account statements, these workers have the information necessary to follow their earnings growth and decide how to adjust their tax-free voluntary contributions in order to yield a specific annual income upon their retirement. For example, the Chilean system was established to provide an annual

income equivalent to 70 percent of lifetime income. However, under the PSA system, income is averaging 78 percent.

Third, workers can choose from two payout options upon retirement. A worker can leave his or her funds in the PSA and take programmed withdrawals from the account with the only limitation based upon projected lifetime expectancy. Should the retiree die prior to exhausting the PSA fund, any excess amount is transferred to his or her estate. The other scenario allows a worker to use the PSA funds to purchase an annuity from a private insurance company. These annuities guarantee a monthly income as well, and is indexed for inflation. In the event of death, survivor benefits are provided to the workers' dependents. They build an estate for their heirs.

And finally, PSA accounts are not automatically forfeited to the government in the case of premature death or disability of a worker. Under the Chilean system, the fund managers provide an insurance protection through private insurance companies. The fee is in addition to the 10 percent mandatory savings contribution, and ensures the PSA funds are not lost should a worker not reach full retirement age.

Personal accounts have brought personal freedom to Chile's retirement system. Today, more than 93 percent of the workforce participates in the PSAs, which boast an accumulated investment fund of $30 billion. This is remarkable when you consider Chile is a developing nation of 14 million people with a GDP of $70 billion. Chile's success has paved the way for other Latin American countries such as Argentina, Peru, and Columbia and has sparked the momentum for reform in Mexico, Bolivia, and El Salvador.

While individual accounts are proving successful in Latin America, the OECD model utilizes a "group" choice approach as a key element. Rather than allowing an individual to choose his or her own fund manager, the employer or union trustee chooses for the company or occupational group as a whole. This approach most likely developed from the fact that these reforms were politically easier to "add-on" to the existing government pay-as-you-go pension tier. Furthermore, reform leaders worked closely with union leaders when they began to implement the next tier of private plans, and then moved the reform sector by sector.

The movement began during the 1980s in the United Kingdom. Since the end of World War II, the British had a basic, flat rate, non-means tested government pension for all who paid into the national insurance plan. By the 1970s, a new tier was added to bridge a gap between those covered by private pensions and those without them. This State Earnings Related Pension Scheme, or SERPS, promised—in exchange for a payroll tax—an earnings-based pension of 25 percent of the best 20 years of earnings, in addition to the Basic State Pension.

However, like other nations, the government pension plan was facing bankruptcy and reform was critical to the future security of its workers and of the nation as a whole. Under the leadership of Social Security Secretary Peter Lilley, the British system evolved and began to enable individuals to choose the option of a new, self-financing private pension plan.

Under the British plan, current retirees were protected, but current workers were given a choice of pension plans. Those workers had the option of either staying in the SERPS program or contracting out to a private fund. If a worker chose to remain within SERPS, they would receive a reduced pension amounting to 20 percent of their best 20 years of earnings. However, if a worker contracted out of the SERPS, they were given the opportunity to participate in an occupational pension plan, and were eventually allowed to take part in a new private, portable pension plan much like a 401(k).

To pay for the plan, a worker who chooses to contract out receives a rebate equivalent to a portion of their payroll taxes. This rebate amounts to about 4.6 percent of earnings and must be invested in an approved plan. Additional contributions can be made—tax free—by employers and employees up to a combined total limit of 17.5 percent of the individual's income. As a safety net, companies are required to guarantee that workers who contract out will receive a pension at least equivalent to what they would have under SERPS, and are limited as to the amount that can be invested in the employer's own company.

To address changing workforce trends and not hold workers captive to employer plans, the British government created the "appropriate personal pension," or APP, plan which would be available to workers, as well as to the self-employed or unemployed. These fully portable plans are much like the employer plans, funded by the 4.6 percent rebate in payroll taxes, and are an alternative to the occupational plan or the SERPS. As an incentive, the British government offered an additional "payroll tax rebate" above the standard rebate during the APPs infancy. This made these fully portable APPs attractive options for younger workers.

While there are many safeguards—including the ability for former SERPS workers to opt back into the government-run program—the success of the English system has been overwhelming. When the transformation began, analysts expected a participation rate of a half million workers, growing to 1.75 million over time. Today, nearly 73 percent of the workforce participates in private plans, boasting a total pool worth more than $1 trillion. The resulting economic growth and ability to control entitlement spending has analysts predicting the United Kingdom will pay off its national debt by 2030. In case any of my colleagues have forgotten, that is about the same time our Social Security trust fund is anticipated to go bankrupt.

Similarly, Australia has found much success in transforming its government pay-as-you-go pension plan to a more self-directed plan. By the 1980s, its existing retirement plan offered a full pension for all Australians over age 69, although most qualified to begin drawing benefits by age 60 for women and 65 for men. Like its international neighbors, Australia was facing a future financial situation that threatened worker retirement security and Australia's standing in the global economy.

As Australia began to review its options, three goals emerged. Whatever changes were made, the new system had to provide more benefits for future retirees than they would receive under the current plan; it had to increase national savings, and any new plan had to reduce budgetary pressures facing the system. By the mid-1980s, the Australian government instituted a mandatory savings plan called "superannuation funds." In 1992, the program matured into a new Superannuation Guarantee that is still a work in progress.

During the transformation process, the Australian government took key steps to change its course. First, it strengthened the income means-testing for the old age pension. In doing so, the government also added an asset test in the calculations process. This was critical since the dependence on Social Security had contributed to the decline in national savings. Second, the government made the new superannuation savings portable, and instituted a penalty for withdrawals before age 55. This provided new incentives for savings since workers could take their funds with them, and disincentives for spending one's nest egg prior to retirement. Third, the government took steps to build union investment into the savings program. Rather than giving workers wage increases, negotiators reached an agreement to provide a 3-percent contribution into a superannuation fund for all employees and called for such guarantees to be built into all future labor contracts. Fourth, the government expanded coverage of the superannuation fund to virtually all workers, and every employer is required to contribute a set amount to the fund on the employees' behalf. The required amount is currently 3 percent and will grow to 9 percent by 2002.

Since the beginning of the Australian reform, additional changes have occurred. Today, workers have more

choices between which superannuation fund their mandatory savings can be invested in. Additional tax relief has been provided for voluntary savings, but savings are not tax-free when invested. As Australia reviews its overall tax structure, however, there have been discussions about making contributions tax-free and deferring taxation until the funds are withdrawn. Another key issue was the total elimination of early withdrawal. Because a retirement safety net remains in place, the goal here was to eliminate a worker from "double dipping"—collecting from the savings fund, then coming back to the government for a pension at age 65.

The Australian reforms are considered a successful example of the OECD model. And as more initiatives are implemented, it will likely continue to prove profitable for future retirees "down under."

The final example I would like to touch upon is the "notional account" model—like the system in Sweden. Under this plan, workers receive a passbook that reflects their defined contributions and the interest being accumulated over time, but there are no real assets in the account. The fund is just a "notion" of what it would be if it were funded. In some respects, it might be compared to the Personal Earnings Benefit Statements U.S. workers receive from the Social Security Administration. The up-side is there is no transition cost for a nation to move from a government-run, pay-as-you-go system to a notional pay-as-you-go system. The downside is that the funds remain at risk, as do future retirees. The bottom line here is that reforms have to be real if we are going to see any long-term benefit for workers.

Mr. President, it is clear that whatever the specifics, reforms are being implemented abroad that are proving to be a great success for both today's retirees and tomorrow's. I hope we have learned that we are not operating in a vacuum here—that there are real models out there for us to review and consider.

For the United States to be successful in the reforms it undertakes to ensure retirement security, there are four key principles we must uphold. First, we must protect all current and near-term retirees. Our government made a promise to them, and we must ensure any transformation we pursue does not impact the decisions they have made for their golden years.

Second, we must ensure that any proposal holds the promise of improved benefits—and greater retirement security—for future retirees.

Today's younger generations have every right to be skeptical about government promises to revamp a system they expect to go bankrupt. They need to know there is a solution that provides retirement security for them.

Third, any proposal should encourage personal choice by allowing individuals to establish personal retirement accounts.

Fourth, the government must not turn to tax increases to fund our pursuit of retirement security.

Finally, we must recognize that any change will require courage. We must admit to ourselves we have a system that is fine today but is a time bomb waiting to explode. The decisions ahead will not be easy; if they were, they would have been made already. But the debate must begin somewhere.

On August 14, this nation will recognize the 63rd anniversary of Congress' approval of the Social Security system. It is my hope that we will mark the occasion by engaging in a national debate over how we can transform our ailing system into a vibrant retirement program for generations to come.

I thank the Chair. I yield the floor.

Mr. GREGG. Mr. President, even though it has nothing to do with this bill, I would like to congratulate the Senator from Minnesota for his truly superb analysis of the Social Security issue and especially the information he brings to this Senate relative to other countries that have pursued reform of their pension programs.

There is no question but if there is a single issue of fiscal policy which most threatens this country's economic well-being in the future and, as a result, threatens our well-being today, it is the Social Security crisis. That occurs as a function of demographics; beginning in the year 2008, the Social Security system in this country pays more out than it is taking in. It begins that cost expansion dramatically as it moves into the period 2015, and by the year 2029–2030 the system is bankrupt and the Nation is unable to afford the costs of it.

It is absolutely essential that we guarantee our children and the postwar baby-boom generation which is about to go into the system a chance to have a viable Social Security system.

Some of the ideas the Senator from Minnesota has outlined are excellent approaches to this. I congratulate him, obviously, for the intensity of thought and energy he has put into this issue. I hope he will take an opportunity to review a bill which I have cosponsored along with Senator BREAUX from Louisiana to try to address this, which bill provides long-term solvency for the next 100 years. I include some of the ideas outlined by the Senator from Minnesota.

In any event, the thoughts of the Senator from Minnesota were extremely insightful and very appropriate, and I hope people have a chance to read them and review them as we go forward.

I yield the floor.

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM, Mr. GRASSLEY, and Mr. BAUCUS, pertaining to the introduction of S. 2339 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SENATOR JEFF SESSIONS RECEIVES GOLDEN GAVEL AWARD

Mr. LOTT. Mr. President, today, the Senate pauses to recognize Senator JEFF SESSIONS, who has now presided over the Senate for one hundred hours during the 105th Congress. It is a long-standing tradition in the U.S. Senate to award these members with the golden gavel.

Since the 1960's, the golden gavel has served to mark a Senator's 100th presiding hour and continues to represent our appreciation for the time that these dedicated members contribute to presiding over the U.S. Senate—a very important duty.

With respect to presiding, Senator SESSIONS and his conscientious staff have worked to assist with presiding difficulties when scheduling difficulties arose.

It is with sincere appreciation that I announce to the Senate the latest recipient of the Golden Gavel Award—Senator JEFF SESSIONS.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 20, 1998, the federal debt stood at $5,532,950,037,759.42 (Five trillion, five hundred thirty-two billion, nine hundred fifty million, thirty-seven thousand, seven hundred fifty-nine dollars and forty-two cents).

Five years ago, July 20, 1993, the federal debt stood at $4,335,448,000,000 (Four trillion, three hundred thirty-five billion, four hundred forty-eight million).

Ten years ago, July 20, 1988, the federal debt stood at $2,553,113,000,000 (Two trillion, five hundred fifty-three billion, one hundred thirteen million).

Fifteen years ago, July 20, 1983, the federal debt stood at $1,329,282,000,000 (One trillion, three hundred twenty-nine billion, two hundred eighty-two million).

Twenty-five years ago, July 20, 1973, the federal debt stood at $455,844,000,000 (Four hundred fifty-five billion, eight

hundred forty-four million) which reflects a debt increase of more than $5 trillion—$5,077,106,037,759.42 (Five trillion, seventy-seven billion, one hundred six million, thirty-seven thousand, seven hundred fifty-nine dollars and forty-two cents) during the past 25 years.

HONORING BRUCE ABSHEER

Mr. ASHCROFT. Mr. President, I rise today to commend Bruce Absheer for his lifetime service to the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) in St. Louis, Missouri. On July 4, 1998, Mr. Absheer retired as ATF Inspector from the St. Louis Office of the Bureau, ending 31 years of dedicated service as a federal employee.

Mr. Absheer began his career with the Federal Bureau of Alcohol, Tobacco, and Firearms on May 1, 1967. During his long tenure as an Inspector, Bruce conducted on-site alcohol, tobacco, firearms, and explosives inspections of these regulated industries. The inspections included examinations, analysis, and reports on operations to evaluate compliance with the applicable laws and regulations.

Through his work, Mr. Absheer represented ATF with integrity, loyalty, and professionalism. His commitment to excellence earned him the ATF Employee of the Year for the Midwest region in 1987, setting new standards.

As our nation looks to individuals to become more active in the workforce, I commend Bruce Absheer for his outstanding performance and service and thank him for his dedication to America. We wish him the very best as he moves on to face new challenges, opportunities, and rewards.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 146

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c).

1. On January 23, 1995, I signed Executive Order 12947, "Prohibiting Transactions with Terrorists Who Threaten To Disrupt the Middle East Peace Process" (the "Order") (60 Fed. Reg. 5079, January 25, 1995). The Order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorists organizations that threaten the Middle East peace process as identified in an Annex to the Order. The Order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the Order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the Order (collectively "Specially Designated Terrorists" or "SDTs").

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the Order are effective upon the date of determination by the Secretary of State or her delegate, or the Director of the Office of Foreign Assets Control (OFAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the FEDERAL REGISTER, or upon prior actual notice.

Because terrorist activities continue to threaten the Middle East peace process and vital interests of the United States in the Middle East, on January 21, 1998, I continued for another year the national emergency declared on January 23, 1995, and the measures that took effect on January 24, 1995, to deal with that emergency. This action was taken in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)).

2. On January 25, 1995, the Department of the Treasury issued a notice listing persons blocked pursuant to Executive Order 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 *Fed. Reg.* 5084, January 25, 1995). The notice identified 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition, the notice provided 9 name variations or pseudonyms used by the 18 individuals identified. The list identifies blocked persons who have been found to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process or to have assisted in, sponsored, or provided financial, material or technological support for, or services in support of, such acts of violence, or are owned or controlled by, or act for or on behalf of other blocked persons. The Department of the Treasury issued three additional notices adding the names of three individuals, as well as their pseudonyms, to the List of SDTs (60 *Fed. Reg.* 41152, August 11, 1995; 60 *Fed. Reg.* 44932, August 29, 1995; and 60 *Fed. Reg.* 58435, November 27, 1995).

3. On February 2, 1996, OFAC issued the Terrorism Sanctions Regulations (the "TSRs" or the "Regulations") (61 *Fed. Reg.* 3805, February 2, 1996). The TSRs implement the President's declaration of a national emergency and imposition of sanctions against certain persons whose acts of violence have the purpose or effect of disrupting the Middle East peace process. There have been no amendments to the TSRs, 21 C.F.R. Part 595, administered by the Office of Foreign Assets Control of the Department of the Treasury, since my report of January 28, 1998.

4. Since January 25, 1995, OFAC has issued six licenses pursuant to the Regulations. These licenses authorize payment of legal expenses and the disbursement of funds for normal expenditures for the maintenance of family members, the employment and payment of salary and educational expenses, payment for secure storage of tangible assets, and payment of certain administrative transactions, to or for individuals designated pursuant to Executive Order 12947.

5. The expenses incurred by the Federal Government in the 6-month period from January 23 through July 22, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process, are estimated at approximately $165,000. These data do not reflect certain costs of operations by the intelligence and law enforcement communities.

6. Executive Order 12947 provides this Administration with a tool for combating fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The Order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations and individuals to preclude diversion of such donations to terrorist activities.

Executive Order 12947 demonstrates the determination of the United States to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism. I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 21, 1998.*

MESSAGES FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 8. An act to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

H.R. 3249. An act to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes.

H.R. 3874. An act to amend the National School Lunch Act and the Child Nutrition Act of 1996 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those acts through fiscal year 2003, and for other purposes.

H.R. 4058. An act to amend title 49, United States Code, to extend the aviation insurance program, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 208. Concurrent resolution expressing the sense of Congress regarding access to affordable housing and expansion of homeownership opportunities.

H. Con. Res. 298. Concurrent resolution expressing deepest condolences to the State and people of Florida for the losses as a result of the wild land fires occurring in June and July 1998, expressing support to the State and people of Florida as they overcome the effects of the fires, and commending the heroic efforts of firefighters from across the Nation in battling the fires.

H. Con. Res. 301. Affirming the United States commitment to Taiwan.

The message further announced that the House has passed the following bill, without amendment:

S. 2316. An act to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House for the consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. GOODLING, and Mr. MCKEON, Mr. RIGGS, Mr. PETERSON of Pennsylvania, Mr. SAM JOHNSON of Texas, Mr. CLAY, Mr. MARTINEZ, and Mr. KILDEE.

ENROLLED BILLS SIGNED

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 318. An act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purpose.

S. 2316. An act to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest in the State of Colorado to Placer County, California.

H.R. 1460. An act to allow for the election of the Delegate from Guam by other than separate ballot, and for other purposes.

H.R. 1779. An act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing certain improvements.

H.R. 2165. An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes.

H.R. 2217. An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.

H.R. 2676. An act to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

H.R. 28841. An act to extend the time required for the construction of a hydroelectric project.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

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

H.R. 8. An act to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3249. An act to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes; to the Committee on Finance.

H.R. 4058. An act to amend title 49, United States Code, to extend the aviation insurance program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 208. Concurrent resolution expressing the sense of Congress regarding access to affordable housing and expansion of homeownership opportunities; to the Committee on Banking, Housing, and Urban Affairs.

H. Con. Res. 298. Concurrent resolution expressing deepest condolences to the State and people of Florida for the losses as a result of the wild land fires occurring in June and July 1998, expressing support to the State and people of Florida as they overcome the effects of the fires, and commending the heroic efforts of firefighters from across the Nation in battling the fires; to the Committee on Environment and Public Works.

H. Con. Res. 301. Affirming the United States commitment to Taiwan; to the Committee on Foreign Relations.

Pursuant to the order of July 21, 1998, the following bill was referred to the Committee on Finance for a period not to extend beyond July 30, 1998:

S. 442. A bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second time, and placed on the calendar:

H.R. 3874. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

The following bill was read the second time, and placed on the calendar:

H.R. 1432. An act to authorize a new trade and investment policy for sub-Saharan Africa.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 21, 1998, he presented to the President of the United States the following enrolled bills:

S. 318. An act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

S. 2316. An act to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes (Rept. No. 105–253).

By Mr. FAIRCLOTH, from the Committee on Appropriations, without amendment:

S. 2333: An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105–254).

By Mr. MCCONNELL, from the Committee on Appropriations, without amendment:

S. 2334: An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105–255).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2206: A bill to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes (Rept. No. 105–256).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

H.R. 1836: A bill to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes (Rept. No. 105–257).

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. FAIRCLOTH:

S. 2332. A bill to limit the ability of prisoners to challenge prison conditions; to the Committee on the Judiciary.

S. 2333. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1999, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MCCONNELL:

S. 2334. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HARKIN (for himself and Mr. HOLLINGS):

S. 2335. A bill to amend title XVIII of the Social Security Act to improve efforts to combat medicare fraud, waste, and abuse; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 2336. A bill to amend chapter 5 of title 28, United States Code, to transfer Schuylkill County, Pennsylvania, from the Eastern Judicial District of Pennsylvania to the Middle Judicial District of Pennsylvania; to the Committee on the Judiciary.

By Mr. SMITH of Oregon (for himself, Mr. WYDEN, Mr. CRAIG, Mr. GRAHAM, Mr. GORTON, Mr. BUMPERS, Mr. HATCH, Mr. MCCONNELL, and Mr. MACK):

S. 2337. A bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, and Mr. SPECTER):

S. 2338. A bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. HATCH, Mr. BREAUX, Mr. JEFFORDS, and Mr. KERRY):

S. 2339. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FAIRCLOTH:

S. 2332. A bill to limit the ability of prisoners to challenge prison conditions; to the Committee on the Judiciary.

CRIME DOESN'T PAY PRISON ACT

• Mr. FAIRCLOTH. Mr. President, today I am introducing the Crime Doesn't Pay Prison Act, a bill to curb the flood of frivolous prisoner lawsuits over prison conditions.

The primary purpose of this act is to articulate an objective national standard for measuring the minimum decency of prison conditions. The Constitution does not dictate a minimum standard of living for inmates, much less an enjoyable comfortable level of living. This should be Congress' job.

In addition to the initial goal of a national prison standard, this bill has other purposes. It would ensure that State governments are required to spend only that amount necessary to achieve the minimum standard for conditions of confinement mandated by the Constitution. It would further ensure that the Federal courts require only that prison conditions do not constitute the unnecessary infliction of pain or neglect upon inmates, such that they are deprived of the minimum civilized measure of life's basic necessities.

Absent a national standard, convicted criminals enjoy a standard of living higher than that of the law-abiding, working poor. According to the federal government, the standard of living for the law-abiding poor is $8,000 a year. Yet for a convicted criminal, the average expenditure per prisoner amounts to an unbelievably high $23,000 a year.

Absent a national standard, the standard of living in prison will continue to escalate. Since 1960, the average total state expenditure per inmate has increased almost twice as fast as median income, and more than twice as fast as the poverty threshold. This is unacceptable.

Many unnecessary amenities, such as regulation softball fields, video games, and premium pay cable channels are provided to criminals, contribute to the increasing standard of living in prisons. Other amenities include expensive musical instruments for traveling "choirs," not to mention martial arts training and boxing. Perhaps here is a primary cause of prison violence. How can one counter the violence if taxpayers' dollars are being spent on the very classes which teach and encourage it?

Absent a national standard, criminals will continue to fight for their "right" to amenities in prison, claiming that denial of same "violates" their Eighth Amendment right against "cruel and unusual punishment." Any violation of our Bill of Rights is, most assuredly, a vital concern and should not be tolerated.

Nor, however, should frivolous claims which do nothing but clog our court systems and deny our citizens speedy access to justice for legitimate cases. Several actual cases demonstrate this. One includes a Utah criminal who claimed that his Eighth Amendment rights were violated when he was provided with Converse tennis shoes, rather than L.A. Gear or Reebok. Another case dealt with an Arkansas criminal

who was appalled that he was given paper napkins during meals instead of cloth napkins. Yet another ludicrous example involves a Missouri criminal, who claimed cruel and unusual punishment when he was not provided with salad bars or brunches on weekends. This is absolutely preposterous.

The benefits of this "Crime Doesn't Pay Prison" Act are extensive. As of right now, 25% of the state and federal courts' civil dockets are comprised of inmate challenges to conditions of confinement. This bill would reduce this number considerably. It also frees state Attorneys General to pursue litigation on behalf of the citizenry.

The bill would drastically reduce the increasing cost of incarceration, allowing the money saved thereby to be used instead for the expansion of existing prisons.

It puts an end to the injustice of convicted criminals enjoying a higher standard of living, by mere virtue of their imprisonment, than the law-abiding working poor.

In addition to giving the prison administrators the flexibility to find that medium of good order and discipline within the prisons, perhaps most importantly, this bill would demonstrate to prisoners that criminal behavior will not be rewarded with luxuries beyond the reach of law-abiding, poor Americans.

I strongly urge my colleagues to support this bill.•

By Mr. HARKIN (for himself and Mr. HOLLINGS):

S. 2335. A bill to amend title XVIII of the Social Security Act to improve efforts to combat Medicare fraud, waste, and abuse; to the Committee on Finance.

MEDICARE WASTE TAX REDUCTION ACT OF 1998

• Mr. HARKIN. Mr. President, today I am introducing with my colleague from South Carolina, Senator HOLLINGS, an important piece of legislation that will help to protect and preserve Medicare. The bill is entitled the Medicare Waste Tax Reduction Act of 1998.

For nearly ten years now, I have worked to combat fraud, waste and abuse in the Medicare program. As Chairman and now Ranking Member of the Senate Appropriations Subcommittee with oversight of the administration of Medicare, I've held hearing after hearing and released report after report documenting the extent of this problem. While virtually no one was paying attention to our effort for many years, we've succeeded in bringing greater attention and focus to this problem in the past several years.

Part of our effort has been to try to quantify the scope of the problem. Several years ago, the General Accounting Office reported that up to 10 percent of Medicare funds could be lost to fraud, waste and abuse each year.

Many questioned that estimate as too large. They said the problem existed, but it wasn't nearly as big as 10 percent. Then, as you know, last year the Inspector General conducted the first-ever detailed audit of Medicare payments. That Chief Financial Officer Act audit found that fully 14 percent of Medicare payments in 1996, or $23 billion, had been made improperly.

That's a $23 billion "waste tax" on the American people. And the purpose of today's summit to figure out the best way to cut that tax. So, how do you cut this tax? I know there are no "magic-wand" solutions—this is a complex problem with many components. But basically, you need four things: well thought out laws, adequate resources, effective implementation and the help of seniors and health providers. We've made progress on each of these fronts over the last couple of years, but much more remains to be done.

First, the reforms embodied in the Health Insurance Portability Act and the Balanced Budget Act must be effectively implemented. Effective implementation of these new reforms are vital and must be given high priority. And, Medicare, the Inspector General and the Justice Department must continue to aggressively use new authority to crack down on Medicare fraud.

The Medicare Waste Tax Reduction Act I am introducing today will take a number of important steps to stop the ravaging of Medicare.

This Bill for example, would direct HCFA to double and better target audits and reviews to detect and discourage mispayments. Currently only a tiny fraction of Medicare claims are reviewed before being paid and less than 2 percent of providers receive a comprehensive audit annually. We must have the ability to separate needed care from bill padding and abuse.

It would also require Medicare to aggressively use it's newly improved "inherent reasonableness" authority. It is vitally important that Medicare carriers be held accountable for their performance in protecting the program from abuse. Preventing abuse and other inappropriate payments should be the most important performance criteria these entities are measured by.

Our bill would also expand the Medicare Senior Waste Patrol Nationwide. Seniors are our front line of defense against Medicare fraud, waste and abuse. However, too often, seniors don't have the information they need to detect and report suspected mistakes and fraud. By moving the Waste Patrol nationwide, implementing important BBA provisions and assuring seniors have access to itemized bills we will strike an important blow to Medicare waste.

The bill would also give Medicare the authority to be a more prudent purchaser. As passed by the Senate, the Balanced Budget Act gave Medicare the authority to quickly reduce Part B payment rates (except those made for physician services) it finds to be grossly excessive when compared to rates paid by other government programs and the private sector. In conference, the provision was limited to reductions of no more than 15 percent. This bill would restore the original Senate language. In addition, to assure that Medicare gets the price it deserves given its status as by far the largest purchaser of medical supplies and equipment, Medicare would pay no more than any other government program for these items. Finally, overpayments for prescription drugs and biologicals would be eliminated by lowering Medicare's rate to the lowest of either the actual acquisition cost or 95% of the wholesale cost.

The Medicare Waste Tax reduction Act of 1998 would also ensure that Medicare does not pay for claims owed by other plans. Too often, Medicare pays claims that are owed by private insurers because it has know way of knowing a beneficiary is working and has private insurance that should pay first. This provision would reduce Medicare losses by requiring insurers to report any Medicare beneficiaries they insure. Also, Medicare would be given the authority to recover double the amount owed by insurers who purposely let Medicare pay claims they should have paid.

Additionally, coordination between Medicare and private insurers would be strengthened. Often, those ripping off Medicare are also defrauding private health plans. Yet, too little information on fraud cases is shared between Medicare and private plans. In order to encourage better coordination, health plans and their employees could not be held liable for sharing information with Medicare regarding health care fraud as long as the information is not false, or the person providing the information had no reason to believe the information was false.

Another critical component of any successful comprehensive plan to cut the Medicare waste tax is to focus on prevention. Most of our efforts now look at finding and correcting the problem after they occur. While this is important and we need to do even more of it, we all know that prevention is much more cost effective. The old adage "A stitch in time saves nine" was never more true. A major component of an enhanced prevention effort would be the provision of increased assistance and education for providers to comply with Medicare rules.

A good deal of the mis-payments made by Medicare are the result not of fraud or abuse, but of simple misunderstanding of Medicare billing rules by providers. Therefore, this bill provides $10 million a year to fund a major expansion of assistance and education for providers on program integrity requirements. This bill would also ensure the

reduction of paperwork and administrative hassle that could prove daunting to providers. Health professionals have to spend too much time completing paperwork and dealing with administrative hassles associated with Medicare and private health plans. In order to reduce this hassle and provide more time for patient care, the Institute of Medicine would be charged with developing a comprehensive plan by no later than June 1, 1999. Their recommendations are to include the streamlining of variations between Medicare and other payers.

Mr. President, while we have made changes to medicare in attempts to extend its solvency thru the next decade, we urgently need to take other steps to protect and preserve the program for the long-term. We should enact the reforms in this bill to weed out waste, fraud and abuse as a first priority in this effort. I urge all my colleagues to review this proposal and hope that they will join me in working to pass it yet this year.

Mr. President, I also ask unanimous consent a summary of my bill be printed in the RECORD.

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

MEDICARE WASTE TAX REDUCTION ACT OF 1998—SUMMARY

Doubling and Better Targeting Audits and Reviews To Detect and Discourage Abuse. Only a tiny fraction of Medicare claims are reviewed before being paid and less than 2 percent of providers receive a comprehensive audit annually. In order to better detect mistakes and abuses and to provide a more significant deterrent to abuse, the number of medical, utilization and fraud reviews would be doubled. In addition, at least 15% of provider cost reports submitted by home health agencies, skilled nursing facilities and durable medical equipment would be subject to annual audits. The increased reviews would be targeted at services and providers most likely to be subject to abuse.

Expanding Medicare Senior Waste Patrol Nationwide—Seniors are our front line of defense against Medicare fraud, waste and abuse. However, too often, seniors don't have the information they need to detect and report suspected mistakes and fraud. A program to recruit and train retired nurses, doctors, accountants and others to serve as volunteer resources to meet this need at the local level was established as part of the FY 97 Labor-HHS appropriations bill. This 12 state program has proven successful and would be expanded nationwide.

Increased Assistance and Education for Providers to Comply with Medicare Rules—A good deal of the mispayments made by Medicare are the result not of fraud or abuse, but of simple misunderstanding of Medicare billing rules by providers. Therefore, this bill provides $10 million a year to fund a major expansion of assistance and education for providers on program integrity requirements.

Reducing Paperwork and Administrative Hassle for Providers—Health professionals have to spend too much time completing paperwork and dealing with administrative hassles associated with Medicare and private health plans. In order to reduce this hassle and provide more time for patient care, the Institute of Medicine would be charged with developing a comprehensive plan by no later than June 1, 1999. Their recommendations are to include the streamlining of variations between Medicare and other payers.

Making Medicare a More Prudent Purchaser—As passed by the Senate, the Balanced Budget Act gave Medicare the authority to quickly reduce Part B payment rates (except those made for physician services) it finds to be grossly excessive when compared to rates paid by other government programs and the private sector. In conference, the provision was limited to reductions of no more than 15 percent. This bill would restore the original Senate language. In addition, to assure that Medicare gets the price it deserves given its status as by far the largest purchaser of medical supplies and equipment, Medicare would pay no more than any other government program for these items. Finally, overpayments for prescription drugs and biologicals would be eliminated by lowering Medicare's rate to the lowest of either the actual acquisition cost or 95% of the wholesale cost.

Using State of the Art Private Sector Technology to Reduce Billing Errors and Abuse—The GAO and Medicare agree that taxpayers could save over $400 million a year simply by employing up to date computer software developed by the private sector to detect and stop billing errors and abuse. This bill would require Medicare to promptly employ private sector edits determined compatible with Medicare payment policy.

Improving Oversight of Home Health Agencies—Medicare oversight of home health care services would be strengthened. The Secretary would be required to conduct validation surveys of at least 5 percent of the agencies surveyed by every state. This would provide greater assurance that problem agencies are identified and help to reduce variation among states in inspection and enforcement.

Closing Loophole in Anti-Kickback Law for Managed Care—Provisions of HIPAA created a broadened exception from Medicare's anti-kickback rules for any arrangement where a medical provider is at "substantial financial risk" through "any risk arrangement." This broad exception may be serving as a loophole to get around important anti-kickback protections. It would be eliminated, returning to pre-HIPAA law.

Expanding Criminal Penalties For Kickbacks—Criminal penalties upon persons violating the federal anti-kickback provisions with respect to private health care benefit programs. It will also authorize the Attorney General to bring civil actions in U.S. District Courts to impose civil penalties and treble damages on violators. There will be no diminution of the existing authority of any agency of the U.S. Government to administer and enforce the criminal laws of the United States.

Extending Subpoena And Injunction Authority—Medicare's ability to gather evidence in fraud and abuse cases would be strengthened by extending the Secretary's testimonial subpoena power and injunctive authority for civil monetary penalties to other administrative sanctions such as exclusions from the program.

Stopping Abusive Billings for Services Ordered by Excluded Providers—While current law provides for penalties against billing for services directly rendered by a provider who has been excluded from Medicare for criminal or other serious violations, no such authority exists for services or items prescribed or ordered by these providers. This provision would close the loophole by establishing civil monetary penalties for anyone who knows or should know that they are submitting claims for services ordered or prescribed by an excluded provider.

Combating Abuse of Hospice and Partial Hospitalization Benefits—Recent reviews have identified significant waste and abuse in the new Medicare partial hospitalizatio benefit. Abuse would be deterred by making a number of reforms to this benefit and authorize the Secretary to begin a prospective payment system. A new civil monetary penalty against doctors who knowingly provide false certification that an individual meets Medicare requirements to receive these services would also be established. A similar provision already exists for false certification of home health services.

Protecting Medicare Against Bankruptcy Abuses—Under current law it is possible for providers to use bankruptcy as a shield against Medicare and Medicaid penalties and overpayment recoveries. This provision would protect Medicare in a number of ways, including: A provider would still be liable to refund overpayments and pay penalties and fines even if he or she filed for bankruptcy. If Medicare law and bankruptcy law conflict, Medicare law would prevail. Bankruptcy courts would not be able to re-adjudicate Medicare coverage or payment decisions.

Ensuring Medicare Does Not Pay for Claims Owed by Other Plans—Too often, Medicare pays claims that are owed by private insurers because it has no way of knowing a beneficiary is working and has private insurance that should pay first. This provision would reduce Medicare losses by requiring insurers to report any Medicare beneficiaries they insure. Also, Medicare would be given the authority to recover double the amount owed by insurers who purposely let Medicare pay claims they should have paid.

Improving Coordination with Private Sector in Combating Medicare Fraud—Often, those ripping off Medicare are also defrauding private health plans. Yet, too little information on fraud cases is shared between Medicare and private plans. In order to encourage better coordination, health plans and their employees could not be held liable for sharing information with Medicare regarding health care fraud as long as the information is not false, or the person providing the information had no reason to believe the information was false.

Self-Funding Plan for Medicare Provider and Supplier Agreements—In order to provide the resources necessary to stop bogus or unqualified providers from billing Medicare, the Secretary may impose fees for the initial and or renewal of provider agreements. This will allow for more on-site visits of those seeking provider numbers to assure that the provider or supplier actually exists and is legitimate.

Balanced Budget Act Technical Changes—Several technical changes to Balanced Budget Act provisions relating to health care fraud are made.•

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 2336. A bill to amend chapter 5 of title 28, United States Code, to transfer Schuylkill County, Pennsylvania, from the Eastern Judicial District of Pennsylvania to the Middle Judicial District of Pennsylvania; to the Committee on the Judiciary.

UNITED STATES DISTRICT COURT LEGISLATION

• Mr. SANTORUM. Mr. President, today I introduce legislation transferring Schuylkill County from the Eastern Judicial District of Pennsylvania to the Middle District. I am pleased to work on this needed effort with the senior Senator from Pennsylvania Senator SPECTER, who has signed on as an original cosponsor.

Many of the residents of Schuylkill County have voiced concern about the hardship they face in performing jury duty as they are often forced to travel as far as Philadelphia. Most of the counties adjacent to Schuylkill County are in the Middle District, where courtrooms are generally twice as close as those in Philadelphia. In addition, transferring Schuylkill County will help relieve the Eastern District of its much larger caseload.

Both the Chief Judge of the Eastern District, Edward Cahn, and of the Middle District, Sylvia Rambo, have raised no objections with this transfer. The Schuylkill County Bar Association, the Schuylkill County District Attorney, and numerous judges and attorneys have expressed strong support.

This legislation serves as a companion bill to H.R. 2123, a bill introduced by my esteemed colleague in the House of Representatives, Representative TIM HOLDEN, whose district includes Schuylkill County. Representative HOLDEN has worked diligently on passage of his bill for over a year, including a successful effort at incorporating its provisions into the Federal Courts Improvement Act of 1998, H.R. 2294, which passed the House on March 18, 1998. I congratulate my colleague on his success. Now, it is the responsibility of myself and Senator SPECTER to shepherd this legislation through the Senate.

I look forward to working with the Chairman of the Judiciary Committee, Senator HATCH, and the Ranking Member, Senator LEAHY, and the rest of my colleagues in securing passage of much needed legislation.

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. 2336

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

SECTION 1. TRANSFER OF COUNTY.

Section 118 of title 28, United States Code, is amended—

(1) in subsection (a) by striking "Philadelphia, and Schuylkill" and inserting "and Philadelphia"; and

(2) in subsection (b) by inserting "Schuylkill," after "Potter,".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

(b) PENDING CASES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect any action commenced before the effective date of this Act and pending on such date in the United States District Court for the Eastern District of Pennsylvania.

(c) JURIES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this Act.•

By Mr. SMITH of Oregon (for himself, Mr. WYDEN, Mr. CRAIG, Mr. GRAHAM, Mr. GORTON, Mr. BUMPERS, Mr. HATCH, Mr. MCCONNELL, and Mr. MACK):

S. 2337. A bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes; to the Committee on the Judiciary.

AGRICULTURE JOB OPPORTUNITY BENEFITS AND SECURITY ACT OF 1998

Mr. CRAIG. Mr. President, today legislation is being introduced by my colleague from Oregon, GORDON SMITH, along with Senators WYDEN, GRAHAM of Florida, GORTON, BUMPERS, and MCCONNELL. This bill would deal with a situation that is a problem today and could well be a crisis tomorrow. The Senate now has an opportunity to do what our Federal Government does all too rarely, and that is fix a problem in a timely and commonsense fashion before it inflicts great hurt on millions of Americans.

Mr. President, I am talking about agricultural growers and their need for a stable, predictable, legal workforce that would receive good, fair, market-based compensation.

I am talking about unemployed workers and those hoping to move from welfare to work, who want and need to be matched up with agricultural jobs, if possible. American citizens should have first claim to American jobs. All workers would rather be working legally and know they can claim full legal protections only when their employment situation is open and lawful.

Farm employers need to be provided with a secure work force. Workers need to be assured of basic legal and labor standard protections.

These goals are not being met today. In fact, current federal law, and its bureaucratic implementation, are hurting growers and workers.

In fact, current Federal laws and their bureaucratic implementation are hurting both growers and workers. This is why I am pleased to join with my colleagues in the introduction of what we will call AgJOBS. This stands for the Agricultural Job Opportunity, Benefits and Security Act.

This bill will represent the culmination of work that has been going on for years amongst our colleagues, to resolve the issue of the necessary labor force for American agriculture. We have examined all of the issues involved with trying to ensure a supply of legal temporary and seasonal labor. We understand that that employers in many cases need guest workers and that employees, domestic and guest workers, need more and better jobs. We have looked at all sides. The result is a consensus bill that we think is nothing less than remarkable, and I commend my colleagues on this very important bipartisan effort.

The key elements of our bipartisan proposal would include the following: The creation of a new, voluntary, national registry of migrant farm workers to which growers can turn for workers they know are legal. If enough domestic workers could not be supplied through the registry, growers could apply for legal guest workers through an expedited, reformed H–2A program. The new program would resemble the current H–2A program, but it would have much, much faster turnaround, less red tape, and greater certainty for employers, continued protections for workers, and greater flexibility for employers, related to conditions of employment such as housing, transportation, and market-based wages.

The crisis is at hand not only on the farm but with the worker who is attempting to get across our borders today. With the tremendous heat in the South right now, there are warnings out to workers hoping for a job opportunity in this country: Do not try to traffic the area or you could die—simply by using the transportation methods in which so many workers are travelling today. Current law has created a phenomenal situation that is most inhumane.

Two years ago, Senators WYDEN, GORTON, and others joined with me in requiring the General Accounting Office to study the current H–2A Guest Worker Program.

As a result, the GAO has estimated that at least 37 percent of all farm workers in the United States are not here legally, not legally qualified to work. How they got the figure is amazing: They went out and asked, and the workers, by self-disclosure, admitted that they were here illegally.

The current H–2A program has been a red tape nightmare.

Too often, when growers need a timely response to their needs, with produce in the field, it cannot be done.

Even when growers meet all the deadlines the Government sets for them, then the Government fails to meet its own deadlines. In fact, GAO's study found that, when growers made timely applications, the Department of Labor still missed statutory deadlines 40 percent of the time.

The bureaucracy grinds to a halt sometimes because it doesn't understand the needs in the field, and sometimes because it doesn't want to supply the workforce.

Current H-2A has been completely ineffective as a means of obtaining temporary and seasonal workers, supplying only about 24,000 out of the 1.6 million farm workers necessary on an annual basis.

In the 1996 immigration law, and in appropriations over recent years, Congress has made it a priority to secure our borders and crack down on illegal immigrants.

That is exactly what we want and what our citizens want.

But as a result, serious spot shortages of farm labor are multiplying from Florida to New England, Kentucky to Colorado—to California and Idaho, and across the Nation.

For example, California growers and local officials have made a real effort to address the shortfall with welfare-to-work efforts. But it is not happening. We are at near full employment in our economy. People are simply not available to do agricultural-style work. And sometimes the needs of agriculture are uniquely not matched to the needs or capabilities of available domestic workers.

Because of the robust counterfeit ID industry and current Federal laws, we have many of these illegals moving into our country who are, in fact, carrying what appear to be legal credentials. Employers do not want that to happen, but the law actually punishes them if they are too diligent in inquiring about the legal status of job applicants. Current law has created an unwinnable Catch-22 for employers. Most have no realistic way of ensuring their work force is entirely legal.

A single Immigration and Naturalization Service raid, netting a handful of illegal workers, can scare and clean out thousands of workers in surrounding counties. It happened just a few weeks ago in the Georgia onion fields. The employers in such cases typically have complied with the law. But, of course, the crops were left rotting in the fields. That is not what the American farmer needs. It is certainly not what the American consumers need.

As workers disappear from U.S. fields, and crops stay there instead of moving to the stores, not only are the farmers hurt, as I mentioned, but consumers are hurt. And then we have to reach inevitably toward an effort to import foods, much of which may not meet our health and safety standards. This means a mainstay of our economy, the U.S. agriculture industry, is threatened with a major breakdown. This means that our families are threatened with the increased risk of exposure to food-borne illnesses on imported, foreign foods. And it happens simply because the current H-2A system won't supply the kind of labor that is necessary.

Let's be humane and let's be responsible. Let's move the AgJOBS bill introduced today, so it can be signed on the President's desk and become law this year. It is critically necessary that we do this.

We have reached out to the Department of Labor to work with them and be sensitive to their concerns in the crafting of this legislation to streamline the H-2A program. We have tried to anticipate and answer every objection that might be raised to this kind of reform. We have tried to solve problems before bringing this bill to the floor.

I thank my colleagues for this tremendous effort, especially Senator GORDON SMITH of Oregon, Senator WYDEN, Senator GRAHAM of Florida, and Senator GORTON, who have worked very closely, to make this legislation a reality.

We think this bill will create a win-win situation so those who wish to enter our country to work at our agricultural jobs can enter legally, so they can enter in a safe way instead of in the backs of trucks or almost literally in tin cans where, as a result of tragic accidents, they oftentimes lose their lives. We saw another tragic example of this in recent days.

We can do better. We can pass the AgJOBS reforms. I am pleased to be a part of the introduction of this legislation today.

Mr. SMITH of Oregon. Mr. President, I rise today with Senators WYDEN, CRAIG, GRAHAM of Florida, GORTON, BUMPERS, HATCH, MCCONNELL, and MACK to introduce the Agricultural Job Opportunity Benefits and Security Act of 1998, also known as AgJOBS. Our bill will create a streamlined guest worker program to allow for a reliable supply of legal, temporary, agricultural workers.

Mr. President, we are facing a crisis in agriculture—a crisis born of an inadequate labor supply. For many years, farmers and nurserymen have struggled to hire enough legal agricultural workers to harvest their produce and plants. The labor pool is competitive, especially in my state of Oregon, where jobs are many and domestic workers willing to do farm work are few. The General Accounting Office even confirmed that there have been local, regional and crop-based labor shortages and losses.

Labor intensive agriculture is the most rapidly growing area of agricultural production in this country and we can only expect the demand for agricultural labor jobs to continue to rise. When coupled with the lowest unemployment rates in decades and a crackdown on illegal immigration, the agriculture industry—and ultimately its consumers—face a crisis.

Currently, the H-2A program is the only legal, temporary, foreign agricultural worker program in the United States. This program is not practicable for the agriculture and horticulture industries because it is loaded with burdensome regulations, excessive paperwork, a bureaucratic certification process and untimely and inconsistent decision-making by the U.S. Department of Labor. Also, as reported by the recent Department of Labor Inspector General, the H-2A program does not meet the interests of domestic workers because it does a poor job of placing domestic workers in agricultural jobs.

I am proud to announce legislation that is the product of a bipartisan effort put forth today by several of my colleagues. With their help, we have been able to develop a consensus solution that will create a workable system for recruiting workers domestically and preventing crops from rotting in the fields. The bipartisan support for this bill reflects months of hard work by members of both parties.

Mr. President, as we introduce this balanced bill, we have two goals in mind—to make it easier for employers to hire legal workers to harvest their crops, and to ensure that workers are treated fairly in the process. These workers deserve the dignity of legal status when they are here doing work that benefits all of us.

I'm very concerned that workers are protected, but let's not forget that growers have been victimized by this process too. In order to feed their families—and ours—the growers need to harvest their crops on time, meet payroll, and ultimately maintain their bottom line. Without achieving those things, farms go out of business and the jobs they create are lost along with them. So it is in all of our best interests—workers, growers, and consumers alike—that growers have the means by which to hire needed workers. I believe our legislation will help achieve that goal.

Mr. President, let me briefly summarize the improvements our bill makes over the current H-2A program.

First and foremost, all of the labor protections currently in place for workers have been preserved. In fact, they have been improved substantially. Domestic workers under the new program will now receive unemployment insurance and all complaints filed by workers will be investigated by the Department of Labor. Also, foreign workers under the new program will retain their ability to transfer to other H-2A farms once they've completed work with their current employer. These provisions will ensure that the rights of workers—both foreign and domestic—continue to be protected.

We've also improved the housing provision in the existing H-2A program, currently another barrier for many farmers. For instance, in my state of Oregon, our strict land use laws prohibit building on farm land. This

means that many farms do not have housing to offer and therefore cannot use the H-2A program. Under our new bill, we allow employers the option of providing a housing allowance to workers if housing cannot be provided. This change will make it possible for many more farmers to use the guest worker program, and guest workers will still receive housing benefits.

To be fair to domestic workers, we also created a process that would make agriculture jobs available to them first. The bureaucratic and untimely labor certification process of the H-2A program will be replaced by a registry which uses existing DOL job bank computers to match domestic workers seeking jobs with employers seeking workers. If job openings still exist, then employers will be allowed to bring in temporary foreign workers to fill the open jobs.

In order for employers to offer these and other protections, the program has to be more practical to use. In our bill, we have streamlined the impractical time-frame requirements for applying to the program. Currently, farmers must apply for H-2A workers 60 days before they think they will need workers. In a very unpredictable industry, this requirement is a barrier for many farmers. In our bill, we have reduced this time period to 21 days, making the program much more responsive to the unpredictable nature of agriculture crops and much more practical for use by farmers.

Our legislation makes many other improvements to the existing H-2A program—for both employers and workers. As a result, we can expect more growers to use it, and consequently, we can expect more domestic and foreign workers to benefit from the ample wage and labor protections afforded by it.

Let's not make fugitives out of farmworkers and felons out of farmers. That is the effect of our current guest worker program.

I urge my fellow colleagues to join Senators WYDEN, CRAIG, GRAHAM, GORTON, BUMPERS, HATCH, FEINSTEIN, MCCONNELL, MACK and me as we introduce this important bipartisan legislation.

Mr. President, I ask unanimous consent that this legislation, along with the list of over 100 agriculture-related associations that endorse this bill, be printed in the RECORD.

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

S. 2337

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Job Opportunity Benefits and Security Act of 1998".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Agricultural worker registries.
Sec. 4. Employer applications and assurances.
Sec. 5. Search of registry.
Sec. 6. Issuance of visas and admission of aliens.
Sec. 7. Employment requirements.
Sec. 8. Enforcement and penalties.
Sec. 9. Alternative program for the admission of temporary H-2A workers.
Sec. 10. Inclusion in employment-based immigration preference allocation.
Sec. 11. Migrant and seasonal Head Start program.
Sec. 12. Regulations.
Sec. 13. Funding from Wagner-Peyser Act.
Sec. 14. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVERSE EFFECT WAGE RATE.—The term "adverse effect wage rate" means the rate of pay for an agricultural occupation that is 5-percent above the prevailing rate of pay for that agricultural occupation in an area of intended employment, if the average hourly equivalent of the prevailing rate of pay for the occupation is less than the prior year's average hourly earnings of field and livestock workers for the State (or region that includes the State), as determined by the Secretary of Agriculture. No adverse effect wage rate shall be more than the prior year's average hourly earnings of field and livestock workers for the State (or region that includes the State), as determined by the Secretary of Agriculture.

(2) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1986 and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

(3) ELIGIBLE.—The term "eligible" as used with respect to workers or individuals, means individuals authorized to be employed in the United States as provided for in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1188).

(4) EMPLOYER.—The term "employer" means any person or entity, including any independent contractor and any agricultural association, that employs workers.

(5) JOB OPPORTUNITY.—The term "job opportunity" means a specific period of employment for a worker in one or more specified agricultural activities.

(6) PREVAILING WAGE.—The term "prevailing wage" means with respect to an agricultural activity in an area of intended employment, the rate of wages that includes the 51st percentile of employees in that agricultural activity in the area of intended employment, expressed in terms of the prevailing method of pay for the agricultural activity in the area of intended employment.

(7) REGISTERED WORKER.—The term "registered worker" means an individual whose name appears in a registry.

(8) REGISTRY.—The term "registry" means an agricultural worker registry established under section 3(a).

(9) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(10) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen, a United States national, or an alien who is authorized to work in the job opportunity within the United States other than an alien admitted pursuant to section 101(a)(15)(H)(ii)(a) or 218 of the Immigration and Nationality Act, as in effect on the effective date of this Act.

SEC. 3. AGRICULTURAL WORKER REGISTRIES.

(a) ESTABLISHMENT OF REGISTRIES.—

(1) IN GENERAL.—The Secretary of Labor shall establish and maintain a system of registries containing a current database of eligible United States workers who seek to perform temporary or seasonal agricultural work and the employment status of such workers—

(A) to ensure that eligible United States workers are informed about available agricultural job opportunities;

(B) to maximize the work period for eligible United States workers; and

(C) to provide timely referral of such workers to temporary and seasonal agricultural job opportunities in the United States.

(2) COVERAGE.—

(A) SINGLE STATE OR GROUP OF STATES.—Each registry established under paragraph (1) shall include the job opportunities in a single State, or a group of contiguous States that traditionally share a common pool of seasonal agricultural workers.

(B) REQUESTS FOR INCLUSION.—Each State requesting inclusion in a registry, or having any group of agricultural producers seeking to utilize the registry, shall be represented by a registry or by a registry of contiguous States.

(b) REGISTRATION.—

(1) IN GENERAL.—An eligible individual who seeks employment in temporary or seasonal agricultural work may apply to be included in the registry for the State or States in which the individual seeks employment. Such application shall include—

(A) the name and address of the individual;

(B) the period or periods of time (including beginning and ending dates) during which the individual will be available for temporary or seasonal agricultural work;

(C) the registry or registries on which the individual desires to be included;

(D) the specific qualifications and work experience possessed by the applicant;

(E) the type or types of temporary or seasonal agricultural work the applicant is willing to perform;

(F) such other information as the applicant wishes to be taken into account in referring the applicant to temporary or seasonal agricultural job opportunities; and

(G) such other information as may be required by the Secretary.

(2) VALIDATION OF EMPLOYMENT AUTHORIZATION.—No person may be included on any registry unless the Attorney General has certified to the Secretary of Labor that the person is authorized to be employed in the United States.

(3) WORKERS REFERRED TO JOB OPPORTUNITIES.—The name of each registered worker who is referred and accepts employment with an employer pursuant to section 5 shall be classified as inactive on each registry on which the worker is included during the period of employment involved in the job to which the worker was referred, unless the worker reports to the Secretary that the worker is no longer employed and is available for referral to another job opportunity. A registered worker classified as inactive shall not be referred pursuant to section 5.

(4) REMOVAL OF NAMES FROM A REGISTRY.—The Secretary shall remove from all registries the name of any registered worker

who, on 3 separate occasions within a 3-month period, is referred to a job opportunity pursuant to this section, and who declines such referral or fails to report to work in a timely manner.

(5) VOLUNTARY REMOVAL.—A registered worker may request that the worker's name be removed from a registry or from all registries.

(6) REMOVAL BY EXPIRATION.—The application of a registered worker shall expire, and the Secretary shall remove the name of such worker from all registries if the worker has not accepted a job opportunity pursuant to this section within the preceding 12-month period.

(7) REINSTATEMENT.—A worker whose name is removed from a registry pursuant to paragraph (4), (5), or (6) may apply to the Secretary for reinstatement to such registry at any time.

(c) CONFIDENTIALITY OF REGISTRIES.—The Secretary shall maintain the confidentiality of the registries established pursuant to this section, and the information in such registries shall not be used for any purposes other than those authorized in this Act.

(d) ADVERTISING OF REGISTRIES.—The Secretary shall widely disseminate, through advertising and other means, the existence of the registries for the purpose of encouraging eligible United States workers seeking temporary or seasonal agricultural job opportunities to register.

SEC. 4. EMPLOYER APPLICATIONS AND ASSURANCES.

(a) APPLICATIONS TO THE SECRETARY.—

(1) IN GENERAL.—Not later than 21 days prior to the date on which an agricultural employer desires to employ a registered worker in a temporary or seasonal agricultural job opportunity, the employer shall apply to the Secretary for the referral of a United States worker through a search of the appropriate registry, in accordance with section 5. Such application shall—

(A) describe the nature and location of the work to be performed;

(B) list the anticipated period (expected beginning and ending dates) for which workers will be needed;

(C) indicate the number of job opportunities in which the employer seeks to employ workers from the registry;

(D) describe the bona fide occupational qualifications that must be possessed by a worker to be employed in the job opportunity in question;

(E) describe the wages and other terms and conditions of employment the employer will offer, which shall not be less (and are not required to be more) than those required by this section;

(F) contain the assurances required by subsection (c); and

(G) specify the foreign country or region thereof from which alien workers should be admitted in the case of a failure to refer United States workers under this Act.

(2) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

(A) IN GENERAL.—An agricultural association may file an application under paragraph (1) for registered workers on behalf of its employer members.

(B) EMPLOYERS.—An application under subparagraph (A) shall cover those employer members of the association that the association certifies in its application have agreed in writing to comply with the requirements of this Act.

(b) AMENDMENT OF APPLICATIONS.—Prior to receiving a referral of workers from a registry, an employer may amend an application under this subsection if the employer's need for workers changes. If an employer amends an application on a date which is later than 21 days prior to the date on which the workers on the amended application are sought to be employed, the Secretary may delay issuance of the report described in section 5(b) by the number of days by which the filing of the amended application is later than 21 days before the date on which the employer desires to employ workers.

(c) ASSURANCES.—The assurances referred to in subsection (a)(1)(F) are the following:

(1) ASSURANCE THAT THE JOB OPPORTUNITY IS NOT A RESULT OF A LABOR DISPUTE.—The employer shall assure that the job opportunity for which the employer requests a registered worker is not vacant because a worker is involved in a strike, lockout, or work stoppage in the course of a labor dispute involving the job opportunity at the place of employment.

(2) ASSURANCE THAT THE JOB OPPORTUNITY IS TEMPORARY OR SEASONAL.—

(A) REQUIRED ASSURANCE.—The employer shall assure that the job opportunity for which the employer requests a registered worker is temporary or seasonal.

(B) SEASONAL BASIS.—For purposes of this Act, labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year.

(C) TEMPORARY BASIS.—For purposes of this Act, a worker is employed on a temporary basis where the employment is intended not to exceed 10 months.

(3) ASSURANCE OF PROVISION OF REQUIRED WAGES AND BENEFITS.—The employer shall assure that the employer will provide the wages and benefits required by subsections (a), (b), and (c) of section 7 to all workers employed in job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

(4) ASSURANCE OF EMPLOYMENT.—The employer shall assure that the employer will refuse to employ individuals referred under section 5, or terminate individuals employed pursuant to this Act, only for lawful job-related reasons, including lack of work.

(5) ASSURANCE OF COMPLIANCE WITH LABOR LAWS.—

(A) IN GENERAL.—An employer who requests registered workers shall assure that, except as otherwise provided in this Act, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer.

(B) LIMITATIONS.—The disclosure required under section 201(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1821(a)) may be made at any time prior to the time the alien is issued a visa permitting entry into the United States.

(6) ASSURANCE OF ADVERTISING OF THE REGISTRY.—The employer shall assure that the employer will, from the day an application for workers is submitted under subsection (a), and continuing throughout the period of employment of any job opportunity for which the employer has applied for a worker from the registry, post in a conspicuous place a poster to be provided by the Secretary advertising the availability of the registry.

(7) ASSURANCE OF CONTACTING FORMER WORKERS.—The employer shall assure that the employer has made reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any eligible worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for registered workers, and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous worker, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

(8) ASSURANCE OF PROVISION OF WORKERS COMPENSATION.—The employer shall assure that if the job opportunity is not covered by the State workers' compensation law, that the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

(9) ASSURANCE OF UNEMPLOYMENT INSURANCE COVERAGE.—The employer shall assure that if the employer's employment is not covered employment under the State's unemployment insurance law, the employer will provide unemployment insurance coverage for the employer's United States workers at the place of employment for which the employer has applied for workers under subsection (a).

(d) WITHDRAWAL OF APPLICATIONS.—

(1) IN GENERAL.—An employer may withdraw an application under subsection (a), except that, if the employer is an agricultural association, the association may withdraw an application under subsection (a) with respect to one or more of its members. To withdraw an application, the employer shall notify the Secretary in writing, and the Secretary shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

(2) LIMITATION.—An application may not be withdrawn while any alien provided status under this Act pursuant to such application is employed by the employer.

(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of recruitment of United States workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

(e) REVIEW OF APPLICATION.—

(1) IN GENERAL.—Promptly upon receipt of an application by an employer under subsection (a), the Secretary shall review the application for compliance with the requirements of such subsection.

(2) APPROVAL OF APPLICATIONS.—If the Secretary determines that an application meets the requirements of subsection (a), and the employer is not ineligible to apply under paragraph (2), (3), or (4) of section 8(b), the Secretary shall, not later than 7 days after the receipt of such application, approve the application and so notify the employer.

(3) REJECTION OF APPLICATIONS.—If the Secretary determines that an application fails to meet 1 or more of the requirements of subsection (a), the Secretary, as expeditiously as possible, but in no case later than 7 days after the receipt of such application, shall—

(A) notify the employer of the rejection of the application and the reasons for such rejection, and provide the opportunity for the prompt resubmission of an amended application; and

(B) offer the applicant an opportunity to request an expedited administrative review or a de novo administrative hearing before an administrative law judge of the rejection of the application.

(4) REJECTION FOR PROGRAM VIOLATIONS.—The Secretary shall reject the application of an employer under this section if the employer has been determined to be ineligible to employ workers under section 8(b) or subsection (b)(2) of section 218 of the Immigration and Nationality Act (8 U.S.C. 1188).

SEC. 5. SEARCH OF REGISTRY.

(a) SEARCH PROCESS AND REFERRAL TO THE EMPLOYER.—Upon the approval of an application under section 4(e), the Secretary shall promptly begin a search of the registry of the State (or States) in which the work is to be performed to identify registered workers with the qualifications requested by the employer. The Secretary shall contact such qualified registered workers and determine, in each instance, whether the worker is ready, willing, and able to accept the employer's job opportunity and will commit to work for the employer at the time and place needed. The Secretary shall provide to each worker who commits to work for the employer the employer's name, address, telephone number, the location where the employer has requested that employees report for employment, and a statement disclosing the terms and conditions of employment.

(b) DEADLINE FOR COMPLETING SEARCH PROCESS; REFERRAL OF WORKERS.—As expeditiously as possible, but not later than 7 days before the date on which an employer desires work to begin, the Secretary shall complete the search under subsection (a) and shall transmit to the employer a report containing the name, address, and social security account number of each registered worker who has committed to work for the employer on the date needed, together with sufficient information to enable the employer to establish contact with the worker. The identification of such registered workers in a report shall constitute a referral of workers under this section.

(c) NOTICE OF INSUFFICIENT WORKERS.—If the report provided to the employer under subsection (b) does not include referral of a sufficient number of registered workers to fill all of the employer's job opportunities in the occupation for which the employer applied under section 4(a), the Secretary shall indicate in the report the number of job opportunities for which registered workers could not be referred, and promptly transmit a copy of the report to the Attorney General and the Secretary of State, by electronic or other means ensuring next day delivery.

SEC. 6. ISSUANCE OF VISAS AND ADMISSION OF ALIENS.

(a) IN GENERAL.—

(1) NUMBER OF ADMISSIONS.—The Secretary of State shall promptly issue visas to, and the Attorney General shall admit, a sufficient number of eligible aliens designated by the employer to fill the job opportunities of the employer—

(A) upon receipt of a copy of the report described in section 5(c);

(B) upon receipt of an application (or copy of an application under subsection (b));

(C) upon receipt of the report required by subsection (c)(1)(B); or

(D) upon receipt of a report under subsection (d).

(2) PROCEDURES.—The admission of aliens under paragraph (1) shall be subject to the procedures of section 218A of the Immigration and Nationality Act, as added by this Act.

(3) AGRICULTURAL ASSOCIATIONS.—Aliens admitted pursuant to a report described in paragraph (1) may be employed by any member of the agricultural association that has made the certification required by section 4(a)(2)(B).

(b) DIRECT APPLICATION UPON FAILURE TO ACT.—

(1) APPLICATION TO THE SECRETARY OF STATE.—If the employer has not received a referral of sufficient workers pursuant to section 5(b) or a report of insufficient workers pursuant to section 5(c), by the date that is 7 days before the date on which the work is anticipated to begin, the employer may submit an application for alien workers directly to the Secretary of State, with a copy of the application provided to the Attorney General, seeking the issuance of visas to and the admission of aliens for employment in the job opportunities for which the employer has not received referral of registered workers. Such an application shall include a copy of the employer's application under section 4(a), together with evidence of its timely submission. The Secretary of State may consult with the Secretary of Labor in carrying out this paragraph.

(2) EXPEDITED CONSIDERATION BY SECRETARY OF STATE.—The Secretary of State shall, as expeditiously as possible, but not later than 5 days after the employer files an application under paragraph (1), issue visas to, and the Attorney General shall admit, a sufficient number of eligible aliens designated by the employer to fill the job opportunities for which the employer has applied under that paragraph.

(c) REDETERMINATION OF NEED.—

(1) REQUESTS FOR REDETERMINATION.—

(A) IN GENERAL.—An employer may file a request for a redetermination by the Secretary of the needs of the employer if—

(i) a worker referred from the registry is not at the place of employment on the date of need shown on the application, or the date the work for which the worker is needed has begun, whichever is later;

(ii) the worker is not ready, willing, able, or qualified to perform the work required; or

(iii) the worker abandons the employment or is terminated for a lawful job-related reason.

(B) ADDITIONAL AUTHORIZATION OF ADMISSIONS.—The Secretary shall expeditiously, but in no case later than 72 hours after a redetermination is requested under subparagraph (A), submit a report to the Secretary of State and the Attorney General providing notice of a need for workers under this subsection.

(2) JOB-RELATED REQUIREMENTS.—An employer shall not be required to initially employ a worker who fails to meet lawful job-related employment criteria, nor to continue the employment of a worker who fails to meet lawful, job-related standards of conduct and performance, including failure to meet minimum production standards after a 3-day break-in period.

(d) EMERGENCY APPLICATIONS.—Notwithstanding subsections (b) and (c), the Secretary may promptly transmit a report to the Attorney General and Secretary of State providing notice of a need for workers under this subsection for an employer—

(1) who has not employed aliens under this Act in the occupation in question in the prior year's agricultural season;

(2) who faces an unforeseen need for workers (as determined by the Secretary); and

(3) with respect to whom the Secretary cannot refer able, willing, and qualified workers from the registry who will commit to be at the employer's place of employment and ready for work within 72 hours or on the date the work for which the worker is needed has begun, whichever is later.

(e) REGULATIONS.—The Secretary of State shall prescribe regulations to provide for the designation of aliens under this section.

SEC. 7. EMPLOYMENT REQUIREMENTS.

(a) REQUIRED WAGES.—

(1) IN GENERAL.—An employer applying under section 4(a) for workers shall offer to pay, and shall pay, all workers in the occupation or occupations for which the employer has applied for workers from the registry, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate.

(2) PAYMENT OF PREVAILING WAGE DETERMINED BY A STATE EMPLOYMENT SECURITY AGENCY SUFFICIENT.—In complying with paragraph (1), an employer may request and obtain a prevailing wage determination from the State employment security agency. If the employer requests such a determination, and pays the wage required by paragraph (1) based upon such a determination, such payment shall be considered sufficient to meet the requirement of paragraph (1).

(3) RELIANCE ON WAGE SURVEY.—In lieu of the procedure of paragraph (2), an employer may rely on other information, such as an employer-generated prevailing wage survey and determination that meets criteria specified by the Secretary.

(4) ALTERNATIVE METHODS OF PAYMENT PERMITTED.—

(A) IN GENERAL.—A prevailing wage may be expressed as an hourly wage, a piece rate, a task rate, or other incentive payment method, including a group rate. The requirement to pay at least the prevailing wage in the occupation and area of intended employment does not require an employer to pay by the method of pay in which the prevailing rate is expressed, except that, if the employer adopts a method of pay other than the prevailing rate, the burden of proof is on the employer to demonstrate that the employer's method of pay is designed to produce earnings equivalent to the earnings that would result from payment of the prevailing rate.

(B) COMPLIANCE WHEN PAYING AN INCENTIVE RATE.—In the case of an employer that pays a piece rate or task rate or uses any other incentive payment method, including a group rate, the employer shall be considered to be in compliance with any applicable hourly wage requirement if the average of the hourly earnings of the workers, taken as a group, the activity for which a piece rate, task rate, or other incentive payment, including a group rate, is paid, for the pay period, is at least equal to the required hourly wage.

(C) TASK RATE.—For purposes of this paragraph, the term "task rate" means an incentive payment method based on a unit of work performed such that the incentive rate varies with the level of effort required to perform individual units of work.

(D) GROUP RATE.—For purposes of this paragraph, the term "group rate" means an incentive payment method in which the payment is shared among a group of workers working together to perform the task.

(b) REQUIREMENT TO PROVIDE HOUSING.—

(1) IN GENERAL.—An employer applying under section 4(a) for registered workers shall offer to provide housing at no cost (except for charges permitted by paragraph (5)) to all workers employed in job opportunities to which the employer has applied under that section, and to all other workers in the same occupation at the place of employment, whose permanent place of residence is beyond normal commuting distance.

(2) TYPE OF HOUSING.—In complying with paragraph (1), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or, in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation.

(3) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

(4) LIMITATION.—Nothing in this subsection shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

(5) CHARGES FOR HOUSING.—

(A) UTILITIES AND MAINTENANCE.—An employer who provides housing to a worker pursuant to paragraph (1) may charge an amount equal to the fair market value (but not greater than the employer's actual cost) for maintenance and utilities, or such lesser amount as permitted by law.

(B) SECURITY DEPOSIT.—An employer who provides housing to workers pursuant to paragraph (1) may require, as a condition for providing such housing, a deposit not to exceed $50 from workers occupying such housing to protect against gross negligence or willful destruction of property.

(C) DAMAGES.—An employer who provides housing to workers pursuant to paragraph (1) may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

(6) REDUCED USER FEE FOR WORKERS PROVIDED HOUSING.—An employer shall receive a credit of 40 percent of the payment otherwise due pursuant to section 218(b) of the Immigration and Nationality Act on the earnings of alien workers to whom the employer provides housing pursuant to paragraph (1).

(7) HOUSING ALLOWANCE AS ALTERNATIVE.—

(A) IN GENERAL.—In lieu of offering housing pursuant to paragraph (1), subject to subparagraphs (B) through (D), the employer may on a case-by-case basis provide a reasonable housing allowance. An employer who offers a housing allowance to a worker pursuant to this subparagraph shall not be deemed to be a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance.

(B) LIMITATION.—At any time after the date that is 3 years after the effective date of this Act, the governor of the State may certify to the Secretary that there is not sufficient housing available in an area of intended employment of migrant farm workers or aliens provided status pursuant to this Act who are seeking temporary housing while employed at farm work. Such certification may be canceled by the governor of the State at any time, and shall expire after 5 years unless renewed by the governor of the State.

(C) EFFECT OF CERTIFICATION.—If the governor of the State makes the certification of insufficient housing described in subparagraph (A) with respect to an area of employment, employers of workers in that area of employment may not offer the housing allowance described in subparagraph (A) after the date that is 5 years after such certification of insufficient housing for such area, unless the certification has expired or been canceled pursuant to subparagraph (B).

(D) AMOUNT OF ALLOWANCE.—The amount of a housing allowance under this paragraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State in which the employment occurs, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(c) REIMBURSEMENT OF TRANSPORTATION.—

(1) TO PLACE OF EMPLOYMENT.—A worker who is referred to a job opportunity under section 5(a), or an alien employed pursuant to this Act, who completes 50 percent of the period of employment of the job opportunity for which the worker was hired, may apply to the Secretary for reimbursement of the cost of the worker's transportation and subsistence from the worker's permanent place of residence (or place of last employment, if the worker traveled from such place) to the place of employment to which the worker was referred under section 5(a).

(2) FROM PLACE OF EMPLOYMENT.—A worker who is referred to a job opportunity under section 5(a), or an alien employed pursuant to this Act, who completes the period of employment for the job opportunity involved, may apply to the Secretary for reimbursement of the cost of the worker's transportation and subsistence from the place of employment to the worker's permanent place of residence (or place of next employment, if the worker travels from the place of current employment to a subsequent place of employment and is otherwise ineligible for reimbursement under paragraph (1) with respect to such subsequent place of employment).

(3) LIMITATION.—

(A) AMOUNT OF REIMBURSEMENT.—Except as provided in subparagraph (B), the amount of reimbursement provided under paragraph (1) or (2) to a worker or alien shall not exceed the lesser of—

(i) the actual cost to the worker or alien of the transportation and subsistence involved; or

(ii) the most economical and reasonable transportation and subsistence costs that would have been incurred had the worker or alien used an appropriate common carrier, as determined by the Secretary.

(B) DISTANCE TRAVELED.—No reimbursement under paragraph (1) or (2) shall be required if the distance traveled is 100 miles or less.

(4) USE OF TRUST FUND.—Reimbursements made by the Secretary to workers or aliens under this subsection shall be considered to be administrative expenses for purposes of section 218A(b)(4) of the Immigration and Nationality Act, as added by this Act.

(d) ESTABLISHMENT OF PILOT PROGRAM FOR ADVANCING TRANSPORTATION COSTS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program for the issuance of vouchers to United States workers who are referred to job opportunities under section 5(a) for the purpose of enabling such workers to purchase common carrier transportation to the place of employment.

(2) LIMITATION.—A voucher may only be provided to a worker under paragraph (1) if the job opportunity involved requires that the worker temporarily relocate to a place of employment that is more than 100 miles from the worker's permanent place of residence or last place of employment, and the worker attests that the worker cannot travel to the place of employment without such assistance from the Secretary.

(3) NUMBER OF VOUCHERS.—The Secretary shall award vouchers under the pilot program under paragraph (1) to workers referred from each registry in proportion to the number of workers registered with each such registry.

(4) REIMBURSEMENT.—

(A) USE OF TRUST FUND.—Reimbursements for the cost of vouchers provided by the Secretary under this subsection for workers who complete at least 50 percent of the period of employment of the job opportunity for which the worker was hired shall be considered to be administrative expenses for purposes of section 218A(b)(4) of the Immigration and Nationality Act, as added by this Act.

(B) OF SECRETARY.—A worker who receives a voucher under this subsection who fails to complete at least 50 percent of the period of employment of the job opportunity for which the worker was hired under the job opportunity involved shall reimburse the Secretary for the cost of the voucher.

(5) REPORT AND CONTINUATION OF PROGRAM.—

(A) COLLECTION OF DATA.—The Secretary shall collect data on—

(i) the extent to which workers receiving vouchers under this subsection report, in a timely manner, to the jobs to which such workers have been referred;

(ii) whether such workers complete the job opportunities involved; and

(iii) the extent to which such workers do not complete at least 50 percent of the period of employment the job opportunities for which the workers were hired.

(B) REPORT.—Not later than 6 months after the expiration of the second fiscal year during which the program under this subsection is in operation, the Secretary, in consultation with the Secretary of Agriculture, shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, a report, based on the data collected under subparagraph (A), concerning the results of the program established under this section. Such report shall contain the recommendations of the Secretary concerning the termination or continuation of such program.

(C) TERMINATION OF PROGRAM.—The recommendations of the Secretary in the report submitted under subparagraph (B) shall become effective upon the expiration of the 90-day period beginning on the date on which such report is submitted unless Congress enacts a joint resolution disapproving such recommendations.

(d) CONTINUING OBLIGATION TO EMPLOY UNITED STATES WORKERS.—

(1) IN GENERAL.—An employer that applies for registered workers under section 4(a) shall, as a condition for the approval of such application, continue to offer employment to qualified, eligible United States workers who

are referred under section 5(b) after the employer receives the report described in section 5(b).

(2) LIMITATION.—An employer shall not be obligated to comply with paragraph (1)—

(A) after 50 percent of the anticipated period of employment shown on the employer's application under section 4(a) has elapsed; or

(B) during any period in which the employer is employing no aliens in the occupation for which the United States worker was referred; or

(C) during any period when the Secretary is conducting a search of a registry for job opportunities in the occupation and area of intended employment to which the worker has been referred, or other occupations in the area of intended employment for which the worker is qualified that offer substantially similar terms and conditions of employment.

(3) LIMITATION ON REQUIREMENT TO PROVIDE HOUSING.—Notwithstanding any other provision of this Act, an employer to whom a registered worker is referred pursuant to paragraph (1) may provide a reasonable housing allowance to such referred worker in lieu of providing housing if the employer does not have sufficient housing to accommodate the referred worker and all other workers for whom the employer is providing housing or has committed to provide housing.

(4) REFERRAL OF WORKERS DURING 50-PERCENT PERIOD.—The Secretary shall make all reasonable efforts to place a registered worker in an open job acceptable to the worker, including available jobs not listed on the registry, before referring such worker to an employer for a job opportunity already filled by, or committed to, an alien admitted pursuant to this Act.

SEC. 8. ENFORCEMENT AND PENALTIES.

(a) ENFORCEMENT AUTHORITY.—

(1) INVESTIGATION OF COMPLAINTS.—

(A) IN GENERAL.—The Secretary shall establish a process for the receipt, investigation, and disposition of complaints respecting an employer's failure to meet a condition specified in section 4 or an employer's misrepresentation of material facts in an application under that section. Complaints may be filed by any aggrieved person or any organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure or misrepresentation, as the case may be. The Secretary shall conduct an investigation under this paragraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

(B) STATUTORY CONSTRUCTION.—Nothing in this Act limits the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers or, in the absence of a complaint under this paragraph, under this Act.

(2) WRITTEN NOTICE OF FINDING AND OPPORTUNITY FOR APPEAL.—After an investigation has been conducted, the Secretary shall issue a written determination as to whether or not any violation described in subsection (b) has been committed. The Secretary's determination shall be served on the complainant and the employer, and shall provide an opportunity for an appeal of the Secretary's decision to an administrative law judge, who may conduct a de novo hearing.

(b) REMEDIES.—

(1) BACK WAGES.—Upon a final determination that the employer has failed to pay wages as required under this section, the Secretary may assess payment of back wages due to any United States worker or alien described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act employed by the employer in the specific employment in question. The back wages shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

(2) FAILURE TO PAY WAGES.—Upon a final determination that the employer has failed to pay the wages required under this Act, the Secretary may assess a civil money penalty up to $1,000 for each failure, and may recommend to the Attorney General the disqualification of the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act for a period of time determined by the Secretary not to exceed 1 year.

(3) OTHER VIOLATIONS.—If the Secretary, as a result of an investigation pursuant to a complaint, determines that an employer covered by an application under section 4(a) has—

(A) filed an application that misrepresents a material fact; or

(B) failed to meet a condition specified in section 4,

the Secretary may assess a civil money penalty not to exceed $1,000 for each violation and may recommend to the Attorney General the disqualification of the employer for substantial violations in the employment of any United States workers or aliens described in section 101(a)(15)(ii)(a) of the Immigration and Nationality Act for a period of time determined by the Secretary not to exceed 1 year. In determining the amount of civil money penalty to be assessed, or whether to recommend disqualification of the employer, the Secretary shall consider the seriousness of the violation, the good faith of the employer, the size of the business of the employer being charged, the history of previous violations by the employer, whether the employer obtained a financial gain from the violation, whether the violation was willful, and other relevant factors.

(4) PROGRAM DISQUALIFICATION.—

(A) 3 YEARS FOR SECOND VIOLATION.—Upon a second final determination that an employer has failed to pay the wages required under this Act or committed other substantial violations under paragraph (3), the Secretary shall report such determination to the Attorney General and the Attorney General shall disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act for a period of 3 years.

(B) PERMANENT FOR THIRD VIOLATION.—Upon a third final determination that an employer has failed to pay the wages required under this section, or committed other substantial violations under paragraph (3), the Secretary shall report such determination to the Attorney General, and the Attorney General shall disqualify the employer from any subsequent employment of aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

(c) ROLE OF ASSOCIATIONS.—

(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of this Act, as though the employer had filed the application itself. If such an employer is determined to have violated a requirement of this section, the penalty for such violation shall be assessed against the employer who committed the violation and not against the association or other members of the association.

(2) VIOLATION BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application on its own behalf as an employer is determined to have committed a violation under this subsection which results in disqualification from the program under subsection (b), no individual member of such association may be the beneficiary of the services of an alien described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act in an occupation in which such alien was employed by the association during the period such disqualification is in effect, unless such member files an application as an individual employer or such application is filed on the employer's behalf by an association with which the employer has an agreement that the employer will comply with the requirements of this Act.

SEC. 9. ALTERNATIVE PROGRAM FOR THE ADMISSION OF TEMPORARY H-2A WORKERS.

(a) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—

(1) ELECTION OF PROCEDURES.—Section 214(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(1)) is amended—

(A) by striking the fifth and sixth sentences;

(B) by striking "(c)(1) The" and inserting "(c)(1)(A) Except as provided in subparagraph (B), the"; and

(C) by adding at the end the following new subparagraph:

"(B) Notwithstanding subparagraph (A), in the case of the importing of any nonimmigrant alien described in section 101(a)(15)(H)(ii)(a), the importing employer may elect to import the alien under the procedures of section 218 or section 218A, except that any employer that applies for registered workers under section 4(a) of the Agricultural Job Opportunity Benefits and Security Act of 1998 shall import nonimmigrants described in section 101(a)(15)(H)(ii)(a) only in accordance with section 218A. For purposes of subparagraph (A), with respect to the importing of nonimmigrants under section 218, the term 'appropriate agencies of Government' means the Department of Labor and includes the Department of Agriculture.".

(2) ALTERNATIVE PROGRAM.—The Immigration and Nationality Act is amended by inserting after section 218 (8 U.S.C. 1188) the following new section:

"ALTERNATIVE PROGRAM FOR THE ADMISSION OF TEMPORARY H-2A WORKERS

"SEC. 218A. (a) PROCEDURE FOR ADMISSION OR EXTENSION OF ALIENS.—

"(1) ALIENS WHO ARE OUTSIDE THE UNITED STATES.—

"(A) CRITERIA FOR ADMISSIBILITY.—

"(i) IN GENERAL.—An alien described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act shall be admissible under this section if the alien is designated pursuant to section 6 of the Agricultural Job Opportunity Benefits and Security Act of 1998, otherwise admissible under this Act, and the alien is not ineligible under clause (ii).

"(ii) DISQUALIFICATION.—An alien shall be ineligible for admission to the United States or being provided status under this section if the alien has, at any time during the past 5 years—

"(I) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(II) otherwise violated a term or condition of admission to the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(iii) INITIAL WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—An alien who has not previously been admitted to the United States pursuant to this section, and who is otherwise eligible for admission in accordance with clauses (i) and (ii), shall not be deemed inadmissible by virtue of section 212(a)(9)(B).

"(B) PERIOD OF ADMISSION.—The alien shall be admitted for the period requested by the employer not to exceed 10 months, or the ending date of the anticipated period of employment on the employer's application for registered workers, whichever is less, plus an additional period of 14 days, during which the alien shall seek authorized employment in the United States. During the 14-day period following the expiration of the alien's work authorization, the alien is not authorized to be employed unless an employer who is authorized to employ such worker has filed an extension of stay on behalf of the alien pursuant to paragraph (2).

"(C) ABANDONMENT OF EMPLOYMENT.—

"(i) IN GENERAL.—An alien admitted or provided status under this section who abandons the employment which was the basis for such admission or providing status shall be considered to have failed to maintain nonimmigrant status as an alien described in section 101(a)(15)(H)(ii)(a) and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(ii) REPORT BY EMPLOYER.—The employer (or association acting as agent for the employer) shall notify the Attorney General within 7 days of an alien admitted or provided status under this Act who prematurely abandons the alien's employment.

"(D) ISSUANCE OF IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—

"(i) IN GENERAL.—The Attorney General shall cause to be issued to each alien admitted under this section a card in a form which is resistant to counterfeiting and tampering for the purpose of providing proof of identity and employment eligibility under section 274A.

"(ii) DESIGN OF CARD.—Each card issued pursuant to clause (i) shall be designed in such a manner and contain a photograph and other identifying information (such as date of birth, sex, and distinguishing marks) that would allow an employer to determine with reasonable certainty that the bearer is not claiming the identity of another individual, and shall—

"(I) specify the date of the alien's acquisition of status under this section;

"(II) specify the expiration date of the alien's work authorization; and

"(III) specify the alien's admission number or alien file number.

"(2) EXTENSION OF STAY OF ALIENS IN THE UNITED STATES.—

"(A) EXTENSION OF STAY.—If an employer with respect to whom a report or application described in section 6(a)(1) of the Agricultural Job Opportunity Benefits and Security Act of 1998 has been submitted seeks to employ an alien who has acquired status under this section and who is present in the United States, the employer shall file with the Attorney General an application for an extension of the alien's stay or a change in the alien's authorized employment. The application shall be accompanied by a copy of the appropriate report or application described in section 6 of the Agricultural Job Opportunity Benefits and Security Act of 1998.

"(B) LIMITATION ON FILING AN APPLICATION FOR EXTENSION OF STAY.—An application may not be filed for an extension of an alien's stay for a period of more than 10 months, or later than a date which is 3 years from the date of the alien's last admission to the United States under this section, whichever occurs first.

"(C) WORK AUTHORIZATION UPON FILING AN APPLICATION FOR EXTENSION OF STAY.—An employer may begin employing an alien who is present in the United States who has acquired status under this Act on the day the employer files an application for extension of stay. For the purpose of this requirement, the term 'filing' means sending the application by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of sending and receipt of the application. The employer shall provide a copy of the employer's application to the alien, who shall keep the application with the alien's identification and employment eligibility document as evidence that the application has been filed and that the alien is authorized to work in the United States. Upon approval of an application for an extension of stay or change in the alien's authorized employment, the Attorney General shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the application.

"(D) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY CARD.—An expired identification and employment eligibility document, together with a copy of an application for extension of stay or change in the alien's authorized employment, shall constitute a valid work authorization document for a period of not more than 60 days from the date of application for the extension of stay, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(E) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—An alien having status under this section may not have the status extended for a continuous period longer than 3 years unless the alien remains outside the United States for an uninterrupted period of 6 months. An absence from the United States may break the continuity of the period for which a nonimmigrant visa issued under section 101(a)(15)(H)(ii)(a) is valid. If the alien has resided in the United States 10 months or less, an absence breaks the continuity of the period if its lasts for at least 2 months. If the alien has resided in the United States 10 months or more, an absence breaks the continuity of the period if it lasts for at least one-fifth the duration of the stay.

"(b) TRUST FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund (in this section referred to as the 'Trust Fund') for the purpose of funding the costs of administering this section and, in the event of an adverse finding by the Attorney General under subsection (c), for the purpose of providing a monetary incentive for aliens described in section 101(a)(15)(H)(ii)(a) to return to their country of origin upon expiration of their visas under this section.

"(2) TRANSFERS TO TRUST FUND.—

"(A) IN GENERAL.—There is appropriated to the Trust Fund amounts equivalent to the sum of the following:

"(i) Such employers shall pay to the Secretary of the Treasury a user fee in an amount equivalent to so much of the Federal tax that is not transferred to the States on the earnings of such aliens that the employer would be obligated to pay under the Federal Unemployment Tax Act and the Federal Insurance Contributions Act if the earnings were subject to such Acts. Such payment shall be in lieu of any other employer fees for the benefits provided to employers pursuant to this Act or in connection with the admission of aliens pursuant to section 218A.

"(ii) In the event of an adverse finding by the Attorney General under subsection (c), employers of aliens under this section shall withhold from the wages of such aliens an amount equivalent to 20 percent of the earnings of each alien and pay such withheld amount to the Secretary of the Treasury.

"(B) TREATMENT OF AMOUNTS.—Amounts paid to the Secretary of the Treasury under subparagraph (A) shall be treated as employment taxes for purposes of subtitle C of the Internal Revenue Code of 1986.

"(C) TREATMENT AS OFFSETTING RECEIPTS.—Amounts appropriated to the Trust Fund under this paragraph shall be treated as offsetting receipts.

"(3) ADMINISTRATIVE EXPENSES.—Amounts transferred to the Trust Fund pursuant to paragraph (2)(A)(ii), shall, without further appropriation, be paid to the Attorney General, the Secretary of Labor, the Secretary of State, and the Secretary of Agriculture in amounts equivalent to the expenses incurred by such officials in the administration of section 101(a)(15)(H)(ii)(a) and this section.

"(4) DISTRIBUTION OF FUNDS.—In the event of an adverse finding by the Attorney General under subsection (c), amounts transferred to the Trust Fund pursuant to paragraph (2)(A)(ii), and interest earned thereon under paragraph (6), shall be held on behalf of an alien and shall be available, without further appropriation, to the Attorney General for payment to the alien if—

"(A) the alien applies to the Attorney General (or the designee of the Attorney General) for payment within 30 days of the expiration of the alien's last authorized stay in the United States;

"(B) in such application the alien establishes that the alien has complied with the terms and conditions of this section; and

"(C) in connection with the application, the alien tenders the identification and employment authorization card issued to the alien pursuant to subsection (a)(1)(D) and establishes that the alien is identified as the person to whom the card was issued based on the biometric identification information contained on the card.

"(5) MIGRANT AGRICULTURAL WORKER HOUSING.—Such funds as remain in the Trust Fund after the payments described in paragraph (4) shall be used by the Secretary of Agriculture, in consultation with the Secretary, for the purpose of increasing the stock of in-season migrant worker housing in areas where such housing is determined to be insufficient to meet the needs of migrant agricultural workers, including aliens admitted under this section.

"(6) REGULATIONS.—The Secretary of the Treasury, in consultation with the Attorney General, shall prescribe regulations to carry out this subsection.

"(7) INVESTMENT OF PORTION OF TRUST FUND.—

"(A) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the amounts transferred to the Trust Fund pursuant to paragraph (2)(A)(i), and, if applicable paragraph (2)(A)(ii), as is

not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the price; or

"(ii) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

"(B) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(C) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the amounts transferred to the Trust Fund pursuant to paragraph (2)(A)(i).

"(D) REPORT TO CONGRESS.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Attorney General) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and a Senate document of the session of the Congress to which the report is made.

"(c) STUDY BY THE ATTORNEY GENERAL.—The Attorney General shall conduct a study to determine whether aliens under this section depart the United States in a timely manner upon the expiration of their period of authorized stay. If the Attorney General finds that a significant number of aliens do not so depart and that a financial inducement is necessary to assure such departure, then the Attorney General shall so report to Congress and, upon receipt of the report, subsections (b)(2)(A)(ii) and (b)(4) shall take effect.".

(b) NO FAMILY MEMBERS PERMITTED.—Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended by striking "specified in this paragraph" and inserting "specified in this subparagraph (other than in clause (ii)(a))".

(c) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 218 the following new item:

"Sec. 218A. Alternative program for the admission of H-2A workers.".

(d) REPEAL AND ADDITIONAL CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 218 of the Immigration and Nationality Act is repealed.

(2) TECHNICAL AMENDMENTS.—(A) Section 218A of the Immigration and Nationality Act is redesignated as section 218.

(B) The table of contents of that Act is amended by striking the item relating to section 218A.

(C) The section heading for section 218 of that Act is amended by striking "ALTERNATIVE PROGRAM FOR".

(3) TERMINATION OF EMPLOYER ELECTION.—Section 214(c)(1)(B) of the Immigration and Nationality Act is amended to read as follows:

"(B) Notwithstanding subparagraph (A), the procedures of section 218 shall apply to the importing of any nonimmigrant alien described in section 101(a)(15)(H)(ii)(a).".

(4) MAINTENANCE OF CERTAIN SECTION 218 PROVISIONS.—Section 218 (as redesignated by paragraph (2) of this subsection) is amended by adding at the end the following:

"(d) MISCELLANEOUS PROVISIONS.—(1) The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(2) The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.".

(5) EFFECTIVE DATE.—The repeal and amendments made by this subsection shall take effect 5 years after the date of enactment of this Act.

SEC. 10. INCLUSION IN EMPLOYMENT-BASED IMMIGRATION PREFERENCE ALLOCATION.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 203(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(3)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following:

"(iii) AGRICULTURAL WORKERS.—Qualified immigrants who have completed at least 6 months of work in the United States in each of 4 consecutive calendar years under section 101(a)(15)(H)(ii)(a), and have complied with all terms and conditions applicable to that section.".

(b) CONFORMING AMENDMENT.—Section 203(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(3)(A)) is amended by striking "subparagraph (A)(iii)" and inserting "subparagraph (A)(iv)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to aliens described in section 101(a)(15)(H)(ii)(a) admitted to the United States before, on, or after the effective date of this Act.

SEC. 11. MIGRANT AND SEASONAL HEAD START PROGRAM.

(a) IN GENERAL.—Section 637(12) of the Head Start Act (42 U.S.C. 9832(12)) is amended—

(1) by inserting "and seasonal" after "migrant"; and

(2) by inserting before the period the following: ", or families whose incomes or labor is primarily dedicated to performing seasonal agricultural labor for hire but whose places of residency have not changed to another geographic location in the preceding 2-year period".

(b) FUNDS SET-ASIDE.—Section 640(a) (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2), strike "13" and insert "14";

(2) in paragraph (2)(A), by striking "1994" and inserting "1998"; and

(3) by adding at the end the following new paragraph:

"(8) In determining the need for migrant and seasonal Head Start programs and services, the Secretary shall consult with the Secretary of Labor, other public and private entities, and providers. Notwithstanding paragraph (2)(A), after conducting such consultation, the Secretary shall further adjust the amount available for such programs and services, taking into consideration the need and demand for such services.".

SEC. 12. REGULATIONS.

(a) REGULATIONS OF THE ATTORNEY GENERAL.—The Attorney General shall consult with the Secretary and the Secretary of Agriculture on all regulations to implement the duties of the Attorney General under this Act.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Attorney General on all regulations to implement the duties of the Secretary of State under this Act.

SEC. 13. FUNDING FROM WAGNER-PEYSER ACT.

If additional funds are necessary to pay the start-up costs of the registries established under section 3(a), such costs may be paid out of amounts available to Federal or State governmental entities under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

SEC. 14. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

ENDORSING ORGANIZATIONS

National Council of Agricultural Employers; American Farm Bureau Federation; AgriBank; Agricultural Affiliates, Inc.; Agricultural Council of California; Agricultural Producers; Allied Grape Growers; Almond Hullers & Processors Association, Inc.; American Mushroom Institute; American Nursery & Landscape Association; American Sheep Industry Association; Apple Growers of Dutchess County; California Apple Commission; California Association of Winegrape Growers; California Beet Growers Association; California Citrus Mutual; California Cherry Export Association; California Cotton Ginners & Growers Association; California Cotton Growers Association; California Cut Flower Commission; California Farm Bureau Federation; California Floral Council; California Grape & Tree Fruit League; California Tomato Growers Association; Colorado Onion Association; Colorado Sugarbeet Growers Association; Fagerberg Produce; Farm Credit Services of North Central Wisconsin; Florida Citrus Mutual; Florida Citrus Packers; Florida Citrus Processors Association; Florida Farm Bureau Federation; Florida Fruit & Vegetable Association; Florida Nurserymen & Growers Association; Florida Strawberry Growers Association; Frederick County Fruit Growers Association, Inc.; Fresno County Farm Bureau; Georgia Agribusiness Council, Inc.; Grower-Shipper Vegetable Association of Central California; Grower-Shipper Vegetable Association of San Luis Obispo & Santa Barbara Counties; Gulf Citrus Growers Association, Inc.; Hood River Grower-Shipper Association; Idaho Grower Shippers Association; Imperial Valley Vegetable Growers Association; Jackson County Fruit Growers League; Marsing Agriculture Labor Association; Michigan Asparagus Advisory Board; Michigan Farm Bureau; Midwest Food Processors

Association; Midwest Sod Council; National Christmas Tree Association; National Cotton Council of America; National Cotton Ginners' Association; National Watermelon Association; New England Apple Council; New Jersey Farm Bureau Federation; New York Apple Association, Inc.; New York Cherry Growers Association, Inc.; New York Farm Bureau; Nisei Farmers League; North Carolina Growers Association, Inc.; North Carolina Sweet Potato Commission, Inc.; Northern California Growers Association; Northern Christmas Trees & Nursery; Northwest Horticultural Council; Ohio Farm Bureau Federation, Inc.; Ohio Fruit Growers Society; Ohio Vegetable & Potato Growers Association; Olive Growers Council; Oregon Association of Nurserymen, Inc.; Oregon Farm Bureau Federation; Oregon Hop Growers Association; Oregon Raspberry & blackberry Commission; Oregon Strawberry Commission; Peach Commission; Raisin Bargaining Association; San Joaquin Valley Dairymen; Snake River Farmers Association; Society of American Florists; Sod Growers Association of Mid-America; South Carolina Farm Bureau Federation; Southeast Cotton Ginners Association, Inc.; Southeast Forestry Contractors' Association; Southern Cotton Growers Association; State Horticultural Association of Pennsylvania; Sugar Cane Growers Cooperative of Florida; Texas Cotton Ginners Association; Texas Produce Association; Turfgrass Producers International; United Fresh Fruit & Vegetable Association; United States Apple Association; United States Sugar Corporation; Vegetable Growers Association of New Jersey; Ventura County Agricultural Association; Wasco County Fruit & Produce League; Washington Growers Clearing House Association; Washington Growers League; Washington State Farm Bureau; Washington Women for Agriculture; Wenatchee Valley Traffic Association; Western Growers Association; Western Range Association; Western United Dairymen; Wisconsin Christmas Tree Producers; Wisconsin Farm Bureau; and Yakima Valley Grower-Shipper Association.

Mr. GORTON. Mr. President, a recent GAO report concluded that approximately one-third of the U.S. agricultural labor force in the United States is illegal. Many estimate that the percentage is in fact much higher. For too long, Congress has failed to respond to the lack of legal agricultural workers, and simply left on the books, and largely unused, a guestworker program that is too administratively complex and expensive to be workable. With recent crackdowns by INS, our farmers and growers face a labor shortage crisis. Congress must act, and it must act now.

I rise today, and join my colleagues on both sides of the aisle in introducing the Agricultural Job Opportunity Benefits and Security Act of 1998, a bill to address this problem. This legislation is long past due and urgently needed. As the Senator from Florida described earlier today, the bill is a win-win-win proposition. It is a win for farmers and growers because it provides them a method of obtaining a legal, reliable workforce. It is a win for workers both domestic and foreign. For domestic workers, the bill, through a work registry, gives them first preference on jobs, benefits above those they are currently receiving, and continued employment by ensuring that American farms remain economically viable and that production is not lost to other countries. For foreign workers, the bill provides the dignity, freedom from fear, and mobility that attends a legal status, as well as significant worker protection and benefits. Finally, the bill is a win for consumers because it ensures them a ready, affordable supply of American agricultural products. I applaud this carefully considered, balanced legislation and will work actively for its quick enactment.

Mr. McCONNELL. Mr. President, the Kentucky Farm Bureau and the hundreds of farmers that I met with on my recent farm belt tour convinced me that one of the most pressing issues facing Kentucky farmers is the problem of finding legal, migrant farm workers.

Kentucky farmers depend heavily on migrant agricultural workers that come to Kentucky under H-2A visas to help harvest tobacco and other crops. Kentucky depends on the H-2A visa program more than every other state, except North Carolina and Virginia.

The current H-2A process is slow, tedious and complex. It subjects farmers to unreasonable costs, excessive bureaucracy, and mountains of paperwork.

To add to the injustice, farmers are faced with frivolous lawsuits and IRS raids—often at the peak time of the harvest.

The Agriculture Job Opportunity Benefits and Security Act would lift the unfair burdens placed on farmers by reforming the H-2A visa program and reducing: the mountains of paperwork, the excessive bureaucracy, and the unfair threats of frivolous litigation.

In order to get migrant workers, a Kentucky farmer has to find his way through the Kentucky Department of Labor, the U.S. Department of Labor, and the Immigration and Naturalization Service—paying fees and filling out cumbersome, confusing paperwork all along the way.

Most farmers will tell you that it's easier to wade through the tax code and file a 1040 tax form every year than it is to slog through multiple government agencies and mountains of paperwork just to hire a migrant farm worker to help bale hay.

In fact, the Department of Labor needs a 325-page handbook to help farmers find their way to migrant farm workers. The Government Accounting Office managed to get through this handbook and found it to be outdated, incomplete and very confusing.

You shouldn't have to hire a lawyer just to hire a migrant farmer.

I'd like to take a couple of minutes to walk through some of the common problems faced by farmers and the common sense solutions offered by the bill we are introducing today.

Problem: Farmers are hesitant to use the process because it is too slow and complicated.

Solution: A simplified, streamlined H-2A visa program would encourage more farmers to go through the system to hire legal migrant farm workers.

Problem: Farmers must pay multiple fees, go through multiple agencies, and fill-out multiple documents.

Solution: A Department of Labor computer registry would be established to replace the current cumbersome and bureaucratic process. Farmers would submit a simple form asking for a certain number of workers at a specified time. If there is an insufficient number of domestic workers available, then the DOL would contact the INS to initiate an expedited visa approval process for migrant farm workers. (All program costs would be paid for by employer user fees.)

Problem: Farmers must apply for workers 60 days in advance—even though they may not know exactly how many workers they will need or exactly when they will need them.

Solution: Farmers do not have to begin process two months in advance. They may apply any time prior to actually hiring foreign workers. The total process from initial application to actual hiring should take no more than 21 days.

Problem: DOL slows the process by failing to timely process applications. A GAO study found that DOL missed statutory deadlines in at least 40 percent of the cases.

Solution: Farmers do not have to wait for DOL. If the DOL does not either meet the deadline or issue a specific objection, then the INS is authorized to go ahead and issue visas for migrant workers.

Problem: Farmers have to spend hundreds of dollars advertising in the newspaper or on the radio to prove what they already know—that is, there is a shortage of domestic workers who will labor in the fields.

Solution: Farmers will not be required to engage in costly radio and newspaper advertising, but may recruit domestic workers by simply using the existing DOL job bank for available domestic workers. DOL will match domestic workers with jobs.

Problem: Farmers are required to pay wages that are often higher than both the minimum wage and the prevailing wage because the legal wage is calculated based on wages paid for all farming jobs, not the specific job in which the migrant worker employed.

Solution: Farmers would not have to pay exorbitant wages to migrant farm workers. They would be required to pay wages only up to the prevailing wage for the type of occupation in which the grower is actually employed. The wage

would not be based on the wages earned by all persons in all farming jobs.

Problem: Farmers are faced with the threat of frivolous litigation for failing to meet vague and open-ended statutory and regulatory requirements.

Solution: The threat of litigation would be reduced by removing unfair burdens on farmers and by clearly spelling out statutory requirements.

Finally, let me respond to the critics of this compromise bill.

Critics wrongly claim the new alternative program has no labor protections.

The alternative program provides foreign and domestic workers with all the labor protections of federal and state labor laws. In addition, it imposes special obligations on participating employers such as payment of at least the prevailing wage.

The pilot program is modeled after the existing H-1B program for specialty and high-tech occupations. It requires employers to recruit domestic workers, and assures that domestic workers receive first preference for jobs.

Finally, the new program provides strict penalties for employers who fail to meet labor standards, including fines, back wages, and debarment from future program participation.

I wanted to commend the bipartisan group of Senators, led by GORDON SMITH, who have worked together to craft a comprehensive and meaningful solution for our nation's farmers.

I was proud to be a cosponsor of Senator SMITH's original bill, S. 1563, and am equally pleased to be a part of this compromise bill.

I look forward to working with the American Farm Bureau and the Kentucky Farm Bureau to move this bill in the Senate as soon as possible.

Mr. GRAHAM. Mr. President, I rise today to join my colleagues in introducing legislation that will simplify and streamline one of the most frustrating aspects in the life of a farmer: Finding qualified, legal farmworkers.

There are two large issues that cause this problem: (1) According to the December 1997 GAO report, there are at least 600,000 farm workers in the United States illegally—and most have false, but realistic-looking, documents.

The farmer can go to extreme lengths to verify his workforce, and still be vulnerable to INS enforcement action.

Our bill, through an Agricultural Registry of workers, ensures that a farmer is able to get a legal, reliable workforce, and our bill ensures that these American workers are paid a premium wage and receive the benefits that they deserve.

(2) Under the current system, if a farmer cannot find available American workers and does need to find temporary foreign help through H-2A visas, he or she must navigate a maze of complex regulations, so much so that it takes a 300-page guidebook to explain the process.

He or she also has little assurance that, even after successfully completing the forms and initiating the process, that the Department of Labor will approve or deny the petitions in a timely manner.

It may seem notable that we are all here together, in a bipartisan manner, from every geographic region of our great Nation.

In the past, discussion of the H-2A program has broken down into a partisan, polarized, gridlocked debate, and no one wins. Wages are still low for workers, and growers still need legal reliable help.

I commend my colleagues, Senator WYDEN, Senator BUMPERS, Senators SMITH, CRAIG, and GORTON for helping bring common sense reality to the table, and together, crafting a bill that helps all sides.

I thank Senator ABRAHAM for holding a fair, educational and timely hearing on this issue, and for bringing all sides together to discuss what works and what doesn't work under the current system.

We, as a bipartisan group, want to accomplish several goals, and I ask my colleagues in the Senate to support what we feel will bring order to the current chaos, bring honor to the farming community, and bring needed benefits to hard working farmworkers. Our goals are simple:

1. Make the H-2A system simple. With our agricultural registry, anyone can start the process by picking up the phone.

Turnaround time can be counted in minutes and hours instead of weeks or months. Give our farmers the chance to choose between legal domestic workers, and legal foreign workers, with the domestic workers getting the first choice at all jobs. But the choice can be made to have a legal workforce.

2. Ensure that American workers get the first choice of every job opening. Under the Registry system—not a single foreign worker will come to the United States until every domestic worker on the Registry is employed in the area he or she has requested.

American farmworkers will be able to easily link together a year's worth of work—moving from Florida to Kentucky to New England, if that is what they want.

3. Ensure that American workers receive premium wages and benefits. Under the Registry program, every legal domestic worker is guaranteed at least prevailing wage, plus a 5 percent premium.

The growers will pay a higher price than they may be paying currently, but they have the added value of knowing with certainty that they are not vulnerable to INS enforcement action. Registry workers also will receive housing benefits, either on-site housing, or a housing allowance.

4. Put a stop to the horrible practice of smuggling human lives. Under the current state of affairs, every day, human beings are dying—crammed into the back of vans, dehydrating in the California deserts, or murdered for the thousand dollars they are willing to pay for a secretive trip across the border and a set of false documents.

They are drawn here by the jobs, many of them farmwork jobs. They put their lives on the line to work in an underground economy. They keep food on our table, and our economy growing.

Let us take this underground system above ground. Offer a simple, reliable way to bring temporary, legal foreign workers here, paid at wages that will not disadvantage any American workers and protected by all labor laws and standards.

5. Don't hurt any other immigration category. All of this can be accomplished without taking away from any current immigration numbers.

H-2A workers workers, by definition, are in our country for temporary, seasonal work—and they return home when the job is done. They will not swell the population of the United States, or become a burden on our social safety net.

They will work side by side with the domestic workforce in one of the most important, but difficult, jobs in our society: putting fresh fruit, fresh vegetables, perishable delicacies on our plates each and every meal.

Please join me in this bipartisan effort to simplify this complex system.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, and Mr. SPECTER):

S. 2338. A bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits; to the Committee on Finance.

LEGISLATION TO PROVIDE EQUITABLE TREATMENT FOR CERTAIN WOOL FABRIC

• Mr. MOYNIHAN. Mr. President, today I introduce a bill to correct a glaring competitive imbalance that has arisen because of an anomaly in our tariff schedule. Hickey-Freeman has produced fine tailored suits in Rochester, New York since 1899. Nearly a century. However, the U.S. tariff schedule currently makes it difficult for Hickey-Freeman to continue producing such suits in the United States.

The facts are straight-forward. Companies like Hickey-Freeman that must import the very high quality wool fabric used to make men's and boys' suits pay a tariff of 31.7 percent. They compete with companies that import finished wool suits from a number of countries. If these imported suits are from Canada, the importers pay no tariff whatever. If the suits are imported from Mexico, the tariff is 11 percent. From other countries, the importers pay a duty of 20.2 percent. Clearly, domestic manufacturers of wool suits are

put at a significant price disadvantage. Indeed, the tariff structure provides an incentive to import finished suits from abroad, rather than manufacture them in the United States.

The bill I am introducing today, along with Senators D'AMATO and SPECTER, would correct this problem, at least temporarily. It suspends through December 31, 2004 the duty on the finest wool fabrics (known in the trade as Super 90s or higher grade—fabrics that are produced in only very limited quantities in the United States. And it would reduce the duty for slightly lower grade but still very fine wool fabric (Super 70's and Super 80's) to 20.2 percent—the same duty as on finished wool suits. The bill also provides that, in the event the President proclaim a duty reduction on wool suits, corresponding changes would be made to the tariffs applicable to 'Super 70's' and 'Super 80's' grade wool fabric.

This bill would correct a troublesome tariff inversion that puts U.S. wool suit producers at a serious competitive disadvantage. It is a small step toward modifying a tariff schedule that favors foreign producers of wools suits at the expense of U.S. suit makers. I therefore urge my colleagues to join me in supporting its adoption, and ask for unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2338

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

SECTION 1. DUTY TREATMENT OF CERTAIN FABRICS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by adding at the end of the U.S. notes the following new note:

"13. For purposes of headings 9902.51.11 and 9902.51.12, the term 'suit' has the same meaning such term has for purposes of headings 6203 and 6204."; and

(2) by inserting in numerical sequence the following new headings:

"9902.51.11	Fabrics, of carded or combed wool or fine animal hair, all the foregoing certified by the importer as 'Super 70's' or 'Super 80's' intended for use in making suits, suit-type jackets or trousers (provided for in subheadings 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90) ...	20.2%	No change	No change	On or before 12/31/2004
9902.51.12	Fabrics, of carded or combed wool or fine animal hair, all the foregoing certified by the importer as 'Super 90's' or higher grade intended for use in making suits, suit-type jackets or trousers (provided for in subheadings 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90) ...	Free	Free (CA, IL, MX)	No change	On or before 12/31/2004".

(b) STAGED RATE REDUCTION.—Any staged reduction of a rate of duty set forth in heading 6203.31.00 of the Harmonized Tariff Schedule of the United States that is proclaimed by the President shall also apply to the corresponding rate of duty set forth in heading 9902.51.11 of such Schedule (as added by subsection (a)).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.•

• Mr. D'AMATO. Mr. President, today I support this important legislation to eliminate tariff duties on certain wool fabrics. Currently, there exists a disparity in the tariff schedule which forces companies like Hickey-Freeman, in Rochester, New York and Learbury in Syracuse, New York, who import very high quality wool fabric, to pay a tariff of 31.7 percent.

These same finished suits imported from Canada come into the United States tariff free. If the suits are imported from Mexico, there is an 11 percent tariff and from other countries, the tariff rate is 20.2 percent. This inverted tariff schedule actually provides an incentive to import suits rather than produce them here in the United States with domestic labor and domestic wool.

This straightforward, clear legislation would suspend through December 31, 2004 the duty on the finest wool fabrics (known specifically as Super 90s weight or higher grade wool). These higher quality fabrics are produced in very limited quantities in the United States, so this tariff reduction would have no negative impact on domestic producers.

Clearly, if there were enough of this wool fabric produced domestically, there would be no need for this legislation since suitmakers would not need to import wool and pay the extortionately high rate of 31.7 percent. Indeed, if the U.S. suit manufacturing industry is allowed to compete fairly with imported suits, and not forced to reduce costs just to pay for inverted tariff rates, domestic wool use will actually increase with the additional suits that will be manufactured in the United States.

Additionally, the provision would reduce the duty for slightly lower grade, fine wool fabric (Super 70s and 80s) to 20.2 percent—the same duty as on finished wool suits.

Mr. President, under current law, if two fabric buyers, one American and the other Canadian, purchase fabric from a foreign country, say Italy, they each pay the exact same price. Yet when they bring the fabric back to their country to be made into suits that is where the problem occurs.

The American is forced to pay a tariff of 31.7 percent on the imported fabric, which then must be absorbed into the cost of the suit, or eaten by the manufacturer. The Canadian buyer pays no tariff. Additionally, the Canadian suit maker can then export to the U.S., and because of the NAFTA agreement, they pay no tariff. As a result, Canadian shipments of men's suits into the United States has gone from 0 to 1.5 million in only ten years.

Mr. President, I am extremely concerned with the current wool tariff because this inverted tariff policy has negatively impacted U.S. jobs. U.S. production has fallen by 40 percent and jobs by 50 percent. And, Mr. President, this additional tariff raises the costs for consumers as well.

I am proud to join with Senators MOYNIHAN and SPECTER in this important legislation, and look forward to its early passage and enactment into law.•

• Mr. SPECTER. Mr. President, today I join my colleagues, Senators DANIEL PATRICK MOYNIHAN and ALFONSE D'AMATO, to introduce a bill that will keep high paying jobs in the domestic tailored wool apparel industry in America. This bill will suspend the duty on certain high quality wool fabrics used in American garment manufacturing.

The duty rates on imported wool fabrics continued to be among the highest rates imposed on products in the U.S. tariff schedules. Because the duty on these fabrics exceeds the duty on imported garments by about 20 percent, the duty schedule penalizes those American companies which keep their production here in the U.S.

A special "finished product" concession made in the Canada Free Trade Agreement (and later NAFTA) has greatly exacerbated the problem. The concession allows Canadian companies to use imported, duty-free wool fabric to manufacture men's suits, which are in turn shipped duty-free into the U.S. As a result, over the past decade Canadian shipments of suits into the U.S. have surged from nearly zero to approximately one and a half million units shipped annually.

During the same time frame, production by the U.S. tailored clothing industry has dropped 40 percent and the number of employees has been cut in almost half, from 58,000 to 30,000 employees. In my home state of Pennsylvania, the high-end tailored men's

clothing industry provides high paying jobs in the cities of Reading, Ashland, Easton, Shippensberg and Philadelphia, but since 1991, Pennsylvania has lost over 3000 jobs due to plant closings.

This duty has a real, direct and substantial effect on American jobs. Suspension of the duty on these fabrics will level the playing field with foreign manufacturers and allow the U.S. industry to compete, saving American jobs. I therefore urge my colleagues to join me in supporting its adoption.●

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. HATCH, Mr. BREAUX, Mr. JEFFORDS, and Mr. KERRY):

S. 2339. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

THE PENSION COVERAGE AND PORTABILITY ACT OF 1998

Mr. GRAHAM. Mr. President, earlier today a group of my colleagues representing both sides of the aisle joined together to announce that we would be introducing legislation to increase the security in the retirement of Americans. I want to especially recognize my colleague, Senator GRASSLEY, who has put a tremendous amount of effort into this legislation and, through his position as Chair of the Aging Committee, has demonstrated his commitment to the well-being of older Americans. Senator GRASSLEY and I recognize that for our Nation to solve what would be one of this generation's greatest challenges, building a retirement security for today's workers, we need to move in a commonsense, bipartisan fashion.

Many of the original cosponsors of this bill were key in crafting the sections of this legislation. Senator GRASSLEY's efforts have expanded fairness for women and families and focused on the benefits of retirement education. Senator BAUCUS has brought the ideas that expanded pension coverage and eased administration burdens on America's small businesses. Portability, so important as we become a more mobile society, received the specific attention of Senator JEFFORDS. All businesses will have the hard work of Senator HATCH to thank for many of the regulatory relief and administrative simplification elements of this bill. And Senator BREAUX, who focused on the big picture of retirement security leading the CSIS task force, has incorporated some of his ideas and the ideas of that task force into the legislation that we introduced this evening.

Throughout this process of putting the bill together, our principal task has been one to listen and attempt to understand what we were hearing. We listened at the recent SAVER Summit, which was held here in Washington, DC, held at the direction of this Congress. We listened at town hall meetings throughout our States. We have listened at the Retirement Security Summit, which I held in January of this year in Tampa, FL, and the Women's Summit, which I held in Orlando in April.

The ideas have come from pension actuaries, tax attorneys, Cabinet leaders, and some of the best ideas from everyday Americans. I want to thank those who have endorsed our proposal.

Mr. President, with reason, much of the public debate has now focused on President Clinton's call to "Save Social Security first." I wish to say, as the Senator from New Hampshire has just commented, I, too, benefited by the remarks that were made this evening by the Senator from Minnesota on what is happening on a global basis, in terms of meeting the type of problems which we face in providing retirement security for Americans. We all agree, on both sides of the aisle, that we need to assure that Social Security is as viable for my nine grandchildren and all of their peers, as it was for my parents and will be for me. However, Social Security is only one part of the picture. Pensions and personal savings will make up an ever-increasing part of retirement security. So, when Congress takes action to assure the future of Social Security, we are only addressing one-third of the problem. Our bill addresses the other two-thirds of the problem.

Social Security will play less of a role for each succeeding generation of Americans. We must develop personal savings. We must assure that years of work pay off in reliable pensions. Our bill will help hard-working Americans build personal retirement savings through their employers, through 401(k)s, through payroll deduction IRAs, through higher limits on savings. The employers and workers both will win. Employers get simpler pension systems with less administrative burden and more loyal employees, and workers build a secure retirement and watch savings accumulate over their years of work.

How, specifically, will our bill help? The first focus of our bill is small business. The reason for this primary focus is because this is where the greatest difficulties in achieving retirement security are lodged.

Fifty-one million American workers have no retirement plan at work—51 million Americans without any retirement plan at the place of their employment; 21 million of these employees work in small businesses. The problem: Statistics indicate that only a small percentage of workers in firms of less than 100 employees have access to a retirement plan.

This chart indicates that there is a direct correlation between the number of employees in a business and the likelihood that there will be a pension retirement plan. Firms with less than 25 employees have a retirement plan of 20.2 percent. Firms of 100 or more have a proportion of retirement plans of almost 85 percent.

We are particularly focusing our attention on these smallest firms which are the least likely to have retirement plans, but which are the fastest growing segment of our economy. In the State of Florida, these firms of less than 25 have represented well over 70 percent of the job growth in our State in the last 5 years.

We take a step forward in eliminating one of the principal hurdles that small businesses face when establishing a pension plan.

What is that problem? It is the Federal Government having two hands: On the one hand, the Federal Government is encouraging these businesses to start pension plans, but when they hand out the second hand, they find that the Federal Government wants a palm turned up because the Federal Government is asking for up to $1,000 for a small business to register its plan with the Internal Revenue Service.

We eliminate this fee for small businesses. We need to encourage small businesses to start plans, not discourage them with high registration fees.

Mr. President, the second target of our legislation is women and families. Historically speaking, women live longer than men. Therefore, they need greater savings for retirement because they will have to stretch those savings over more years of life. Yet, our pension and retirement laws do not reflect this fundamental reality. Women are more mobile than men, moving in and out of the workforce due to family responsibilities. Thus, they are less likely to vest in a retirement system. Most retirement systems require a minimum period of time before the employee becomes eligible and has a legal entitlement to the retirement funds. Women are the least likely to meet those minimum years of employment.

As this chart indicates, of women retirees today, 68 percent of women who retire have no retirement benefits; fewer than 32 percent have a pension for their retirement.

Currently, two-thirds of working women are employed in sectors of the economy that are unlikely to offer a retirement plan—service and retail and small businesses.

What is the solution? In an effort to address one of the problems of preparing for a longer life expectancy, we realistically adjust upward the age at which you must start withdrawing funds from your own 401(k) or other similar pension instrument.

Under the current law, you must, you are obligated to start withdrawing money from your retirement plan once you reach the age of 70½, 70 years and 6 months. At the age of 70 years and 6 months, you are obligated to commence the process of withdrawing funds from your retirement plan. However, a woman at the age of 70 can still

have three decades to look forward to in retirement. I know this because I represent many of these wonderful people in my State of Florida.

At the retirement summit I hosted in Tampa, several retirees mentioned that they wanted to keep their money in retirement savings for as long as possible. We propose to raise the 70 years and 6 months age to 75 for mandatory distribution. We do this for both genders, because I am happy to say that men are also living longer. It just happens that women will be the most affected group of Americans by this proposal.

We go beyond raising the age from 70 years and 6 months to 75 years by also providing that $300,000 of any defined benefit contribution plan will be exempt from minimum distribution rules.

This accomplishes several important objectives: Simplifying the bureaucracy for thousands of Americans who have less than $300,000 in their retirement fund, and protecting a vital nest egg for the last years of retirement so that items such as long-term care and other expenses that are part of the aging process can be covered.

Next, Mr. President, we deal with the issue of increasing portability. Over an average 40-year career, the current U.S. worker will have seven different employers. This represents a dramatic shift from the current worker's employment pattern from that of their grandparents where it was common for a person to commence their career and end their career with the same employer.

We have the possibility of a generation of American workers who retire with many small retirement accounts, creating a complex maze of statements and features different for each account.

The solution that we propose includes addressing one element of this by allowing employees, such as teachers, who happen to move from one State to another, to buy into their current locality's defined benefit pension system through the purchase of service credits so that when they retire, they will have one retirement account. It is easier to monitor, less complicated to maintain records about and builds a more secure retirement for the worker.

The next issue that our legislation confronts is that of reducing red tape and administrative complexities. As I mentioned earlier, 51 million Americans have no pensions. The main obstacle that companies face in establishing a retirement program is often bureaucratic administrative burden.

For example, for a small plan, the plan that would deal with companies that have 25 or fewer employees—in this case, the specific example is for a plan with 15 employees—it costs $228 per employee per year just to comply with all the forms, tests and regulations required to maintain a pension plan.

We have a commonsense remedy to one of the most vexing problems in pension administration: figuring out how much money to contribute to the company's plan. It is a complex formula of facts, statistics and assumptions under the current law. We want to be able to say to plans that you have no problem with underfunding. To help make these calculations, you can use the prior year's data to make the proper contribution, and if you do so, you will not be subject to any after-the-fact sanctions. You don't have to re-sort through the numbers each and every year. If your plan is sound, use reliable data from the previous year and then verify when all the final details are available. Companies will be able to calculate and then budget, not wait until figures and rates out of their control are released by external sources.

Another issue is pension security. Under current law, companies cannot fully fund their pension determination liability; that is, provide for a sufficient amount of funding in their pension retirement trust fund to be able to fund that particular pension to its full actuarial amount.

The inability to do so puts workers at risk that the appropriate funds will not be available when their workforce retires. Solution? It makes little sense for the Federal Government to discourage companies from fully funding their pension plans. We propose to repeal this limit, the limit that keeps companies from fully funding their plan. In last year's tax bill we phased this limit up. Now we have a chance to take the final step and allow companies the flexibility to put more money in their pension plans when their economic circumstances allow.

The next provision in our legislation, Mr. President, encourages retirement education. The unfortunate reality is that many Americans do not prepare for retirement because they just do not know that they need to. It has been said in jest, but unfortunately it happens in too many cases—it is true—that Americans spend more time planning a 2-week summer vacation than they do 20 or 30 or more years of retirement.

Studies show that with education, participation rates in retirement savings vehicles jump dramatically. Eighty-one percent of Americans say retirement education has encouraged them to earmark more money for the future. So as Americans have a better understanding of what is involved in retirement—the financial aspects of retirement, the issues of personal health, issues of utilization of leisure time, and all of the other challenges that come in retirement—Americans respond as we would expect, with intelligence and appropriate steps to protect their and their families' interests.

Our solution is to let the Federal Government serve as a role model. Programs already in place to educate our own Federal employees about the need to prepare for retirement should be broadly shared with other firms, both private and public. We ask that the paradigm for these discussions be made available to the general public so that they can be used by American workers who are employed by organizations beyond the Federal Government.

We also ask that the Small Business Administration, which is so helpful to America's entrepreneurs in getting ventures off the ground and expanding when times are right, be involved in outreach in the retirement arena. Through web sites, brochures, whatever means they feel best, the Small Business Administration can help spread the word on what has already been accomplished—simple accounts, payroll deduction IRAs, and more—and keep businesses up to date with each opportunity to save for a secure retirement.

Mr. President, I thank my colleagues who have worked so hard on this measure. I ask for the support of those in this Chamber on this important legislation.

Mr. GRASSLEY. Mr. President, I rise to join my colleagues, Senator GRAHAM, Senator HATCH, Senator BREAUX, Senator BAUCUS, and Senator JEFFORDS to introduce bipartisan pension reform legislation. This legislation, the Pension Coverage and Portability Act of 1998, will go a long way toward improving the pension system in this country.

Promoting retirement income security seems to be on everyone's mind these days if the number of pension bills now pending in Congress is any indication. But I think that our leaders need to understand that pension legislation should be a priority for prompt action by Congress and the President.

Let me try to explain: For better or worse, the most important component of retirement income is the Social Security program. But our nation is about to experience a demographic shift of very large proportions that will have a very negative impact on Social Security. My state is already feeling the impact of this shift.

The state of Iowa has the most people over the age of 85 as a percent of the population. Iowa has the third highest percentage of people over the age of 65. There is a popular statistic relating to the incomes of elderly households we hear a lot—that Social Security is the most important source of income for more than 80 percent of elderly Americans. Knowing the demographics of my state, you can imagine how often I hear about Social Security and the feeling that Social Security isn't enough.

It's hard to tell an 82 year old widow that Social Security was never supposed to be enough. Future retirees seem to understand this, as we have

seen a number of surveys indicating that Gen Xers do not believe Social Security will be the most important source of income once they retire.

But their income will have to come from somewhere. Many workers will be able to rely on increased income from pensions. Unfortunately, right now, one half of our workforce is not participating in a pension plan.

Mr. President, you know the statistics just as well as I do. Coverage levels have been consistent over the last decade but among small employers, coverage is low.

In June, the Employee Benefit Research Institute released the Small Employer Retirement Survey. This survey is very instructive for legislators.

Small employers identified three main reasons for not offering a plan. The first reason is that small employers believe their employees prefer increased wages or other types of benefits. The second reason employers don't offer plans is the administrative costs. And the third most important reason for not offering a plan: uncertain revenue, which makes it difficult to commit to a plan.

Combine these barriers with the responsibilities of a small employer, and we can understand why coverage among small employers has not increased. Small employers who may just be starting out in business are already squeezing every penny. These employers are also people who open up the business in the morning, talk to customers, do the marketing, pay the bills, and just do not know how they can take on the additional duties, responsibilities, and liabilities of sponsoring a pension plan.

I firmly believe that an increase in the number of people covered by pension plans will occur only when small employers have more substantial incentives to establish pension plans.

The Pension Coverage and Portability Act contains provisions which will provide more flexibility for small employers, relief from burdensome rules and regulations, and a tax incentive to start new plans for their employees. One of the new top heavy provisions we have endorsed is an exemption from top heavy rules for employers who adopt the 401(k) safe harbor. This safe harbor will take effect in 1999. When the Treasury Department wrote the regulations and considered whether safe harbor plans should also have to satisfy the top heavy rules, they answered in the affirmative. As a result, a small employer would have to make a contribution of 7 percent of pay for each employee, a very costly proposition.

My colleagues and I also have included a provision which repeals user fees for new plan sponsors seeking determination letters from the IRS. These fees can run from $100 to more than $1,000, depending on the type of plan. Given the need to promote retirement plan formation, we believe this "rob Peter to pay Paul" approach needs to be eliminated.

We have also looked at the lack of success of SIMPLE 401(k) plans. A survey by the Investment Company Institute found that SIMPLE IRAs have proven successful, with almost 100,000 participants. However, SIMPLE 401(k)s just haven't taken off. A couple of the reasons may be that the limits on SIMPLE 401(k)s are tighter than for the IRAs.

Our bill equalizes the compensation limits for these plans; in addition, we have also increased the annual limit on both SIMPLEs to $8,000.

One of the more revolutionary proposals is the creation of a Salary Reduction SIMPLE with a limit of $4,000. Unlike other SIMPLEs, the employer makes no match or automatic contributions. The employer match is usually a strong incentive for a low-income employee to participate in a savings plan. We hope that small employers will look at this SIMPLE as a transition plan, in place for just a couple of years during the initial stages of business operation—then adopt a more expansive plan when the business is profitable.

The other targeted areas in the legislation include: Enhancing pension coverage for women.

Women are more at risk of living in poverty as they age. They need more ways to save because of periodic departures from the workforce. To increase their saving capacity, we have also included a proposal similar to legislation I sponsored earlier this year, S. 1856, the Enhanced Savings Opportunities Act. Like S. 1856, the proposal repeals the 25% of salary contribution limit on defined contribution plans. This limit has seriously impeded savings by women, as well as low- and mid-salary employees.

I prefer this approach to a catch-up provision. Catch-ups would most likely be voluntary on the part of the employer, do not encourage savings over working life, and do not necessarily help low and mid-salary people. Repealing 415(c) is a simplifier, and will allow anyone covered by a defined contribution plan to benefit.

The bill also contains proposals which promote new opportunities to rollover accounts from an old employer to a new employer. The lack of portability among plans is one of the weak links in our current pension system. This new bill contains technical improvements which will help ease the implementation of portability among the different types of defined contribution plans.

Finally, I would like to point out a couple of other provisions in the bill. The first is the new requirement that plan sponsors automatically provide benefit statements to their participants on a periodic basis. For defined contribution plans, the statement would be required annually. For defined benefit plans, a statement would be required every three years. There is a very strong lack of understanding among participants about how their pensions work. There is also a high percentage of people who have done nothing to plan for their retirement.

Providing clear and understandable benefit statements to pension plan participants would encourage people to think about how much money they can expect to receive in retirement. Further, a benefit statement will help people ensure that the information their employer maintains about them is accurate. Almost 80 percent of employers who sponsor defined benefit plans are providing some type of benefit statement automatically. All participants need these statements.

This provision joins other proposals in a new section targeted at encouraging retirement education. Education can make a difference to workers. In fact, in companies which provide investment education, we know workers benefitted because many of them changed their investment allocations to more accurately reflect their investment horizons.

A new provision that I encourage my colleagues to carefully consider targets the problem of participation by proposing an incentive for negative enrollment or "opt-out" plans. My staff and I were familiar with the example set by McDonald's Corp. which utilizes opt-out plans for their employees. But McDonald's was concerned that they might get in trouble with government regulators for operating their plan as an opt-out. President Clinton announced that McDonald's plan was legal—and encouraged other employers to try opt-out plans. This bill includes an incentive for employers to create opt-out plans that we hope will increase participation among low-salary workers.

This legislation joins a number of other strong proposals now pending in the House and here in the Senate. This legislation includes provisions which reflect some of those same proposals. I want to commend the sponsors of those bills. Our legislation has a lot in common with these other pension bills and we need to push for fast and favorable consideration of, at a minimum, the similar provisions in our legislation.

We have a window of opportunity to act. The Baby Boomers are coming. The letters from AARP are starting to arrive in their mailboxes. The Social Security Administration is starting to stagger the delivery of benefit checks in preparation for their retirement. Many elderly households rely too heavily on Social Security. Future retirees will not be able to rely on all of the

benefits now provided by Social Security. We can look to the pension system to pick up where Social Security leaves off, but we need to act.

I thank the other co-sponsors of this legislation for all of their work, and I encourage our colleagues to give strong consideration to co-sponsoring this bill. With concerted, bipartisan action, we can improve the pension system. Pensions for today's workers will substantially improve the retirement outlook for millions of Americans. But we have some work to do if pensions are going to fulfill their promise.

Mr. BAUCUS. Mr. President, most people my age have known the heartache of having to watch their parents grow old. It is a sad day in a person's life when they see their father get his first gray hair. Or the day you notice lines in your mother's face where previously, there were none.

This aging process is made worse by the scary and very real possibility that too many people who will become senior citizens in the next several years are not at all prepared for the transition from work to retirement.

To be honest, it isn't our parents who we need to worry about so much. They survived the Depression. They know what it takes to get by during the lean years—it takes planning and saving. Putting money aside, when it might be easier to spend it in the moment.

Those are the values that our parents live by. They are the values we would do well to heed. And even better to teach those who will follow us.

We as a nation have lost our imperative to save. Personal savings rates have dropped to 3.8 percent of our Gross Domestic Product, the lowest in 58 years.

Fifty-one million Americans in our nation's workforce have no pension coverage. But statistics like those don't tell the whole story. They don't do justice to the hardscrabble struggles that real people go through every day. Struggles that involve agonizing questions like: "Should I eat today or take my medication?" or "Will I be able to heat my house this winter?"

Make no mistake, our nation's lack of saving for retirement is a tragedy in the making.

That is why I am so proud to join my colleagues in introducing this legislation.

A bill that will make it easier for Americans to put money aside, and a bill that will help move pension issues to the forefront of Americans' minds. A bill that will:

Expand coverage for small businesses because they have a harder time affording health care and retirement plans;

Enhance pension fairness for women because they fall into categories that have a harder time saving;

Increase the portability of pension plans so that when you change jobs you don't have to worry about where your savings will go;

Strengthen pension security and enforcement so you can rest easy at night, knowing your money is safe;

Reduce red tape so it's easier for employers to give their workers retirement options;

And encourage retirement education so that husbands and wives, parents and children, talk to each other—make plans for their future. And know what to expect tomorrow and down the road.

One aspect of the bill I am particularly proud of are the small business provisions. Thirty-eight million of the people in this country who do not have a pension plan work at small businesses. Eighty percent of all small business employees have no pension coverage.

In my state of Montana, more than 95 percent of our businesses are small businesses. And almost 9 out of 10 offer no pension plans. We cannot let these hard-working Americans down.

Currently, most small businesses can't afford pension plans. They would like to, but they just can't make ends meet.

Our bill makes it a smart business decision for small business owners to offer retirement plans.

I have made it my priority to work with members of the small business community, both back in Montana and nationally, to identify legislative solutions that will most readily enable small businesses to offer pension plans to their employees. While this bill does not include every recommendation we received, it does represent a collection of high-priority proposals which we believe could be supported by a bi-partisan majority of Congress.

The major provisions in this bill which would help small businesses start and maintain pension plans include the following:

To help make pension plans more affordable we have included two new tax credits: one to help defray start-up costs and the other to defray the cost of employer contributions to pension plans;

In addition, we provide for the elimination of some fees.

To address the problems the small business community has identified as a major impediment to establishing pension plans, we make significant changes in the top-heavy rules that limit employer contributions to plans.

To address concerns of our smallest businesses, who want to provide pensions but can only afford 'start-up' plans at first, we provide increases in income limits that apply to SIMPLE pension plans, along with a new, salary-reduction SIMPLE plan;

And for those employers that want to provide the security of a defined benefit plan for their employees but cannot because of the increased regulatory burden, we create a simplified defined benefit plan for small business.

These provisions are designed to address the problems of cost and complexity that are a barrier to so many small businesses. They will help small employers establish a pattern of saving for themselves and their employees.

Mr. President, I hope the Pension Coverage and Portability Act will spearhead a national debate on how to improve employer-provide pensions in this country.

This debate is essential if we are to achieve our goal of making America in the next century, not only strong as a nation, but strong as a community of individuals confident in the security of their financial futures.

This is a good, bi-partisan bill. It takes the positive steps we as a nation need to put our future in safe hands.

I am eager for the coming debate on this bill.

I hope it sparks a debate in the coffee shops and kitchen tables all across the country. Working together, and with this bill, we can turn a nation of spenders, into a nation of savers.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD letters from the Profit Sharing 401(k) Council of America, the American Society of Pension Actuaries, the Association of Private Pension and Welfare Plans, and the National Association of State Retirement Administrators, all of whom endorse this legislation.

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

PROFIT SHARING 401(K)
COUNCIL OF AMERICA,
Chicago, IL, July 21, 1998.

THE PENSION COVERAGE AND PORTABILITY ACT OF 1998

The Profit Sharing/401(k) Council of America commends Senators GRAHAM, GRASSLEY, BAUCUS, BREAUX, JEFFORDS, D'AMATO, HATCH, and KERREY for this comprehensive reform and updating of the regulation of private pensions. We believe that this legislation identifies and removes many barriers to increasing retirement security for working Americans. Areas of particular interest to our members include the modification of top-heavy rules, the elimination of the percentage of salary limit, and the removal of elective deferrals from the employer deduction calculation.

The Profit Sharing/401(k) Council of America (PSCA) is a non-profit association that for the past fifty years has represented companies that sponsor profit sharing and 401(k) plans for their employees. PSCA has approximately 1200 company-members who employ approximately 3 million plan participants throughout the United States. PSCA's members range in size from a six employee parts distributor to firms with hundreds of thousands of employees.

We look forward to working together to achieve implementation of this important bill.

AMERICAN SOCIETY OF
PENSION ACTUARIES,
Arlington, VA, July 21, 1998.

Hon. BOB GRAHAM,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the American Society of Pension Actuaries, I am

writing to express our strong support for the Pension Coverage and Portability Act of 1998. This comprehensive legislation recognizes the important role played by the private pension system in providing retirement savings for Americans.

By simplifying the complicated tax laws governing retirement plans, your legislation is a significant step in the right direction that will encourage retirement plan formation and expansion. Current law, and the thousands of pages of accompanying regulations, have gone too far. Though intended to increase access to private pension savings, these laws and regulations have actually had an opposite effect, leaving millions of American workers without an easy way to save adequately for retirement.

ASPA represents over 3,000 pension professionals who provide services to approximately one-third of the qualified retirement plans in the United States. The vast majority of these plans are maintained by small businesses. Our members have first-hand knowledge of the existing regulatory barriers preventing retirement plan formation and retention by employers. We believe the provisions in your legislation, including the new simplified defined benefit plan for small business called the SAFE plan, the elimination of the 25 percent of compensation limit on plan contributions, and the relaxation of the top-heavy rules, will encourage employers to offer pension plans for their employees, and will make it easier for employees to increase their own retirement savings.

Again, ASPA thanks you for your work on retirement issues. The Pension Coverage and Portability Act sends a strong message that current regulations have gone too far. We look forward to working with you to move this bill through the legislative process.

Sincerely,

BRIAN GRAFF,
Executive Director.

ASSOCIATION OF PRIVATE PENSION AND WELFARE PLANS
Washington, DC, July 21, 1998.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: I am writing on behalf of the Association of Private Pension and Welfare Plans (APPWP) to express our support for the Pension Coverage and Portability Act. We commend you for your leadership in addressing the need to strengthen the employer-sponsored retirement system. The APPWP is the national trade association for companies concerned about federal legislation and regulations affecting all aspects of the employee benefits community. APPWP members either sponsor directly or provide to employee benefit plans covering more than 100 million Americans.

Your legislation represents a significant step towards improving the rules governing the employer sponsored retirement system upon which millions of Americans rely for a majority of their retirement income. More specifically, we believe that passage of this legislation will expand coverage, particularly among small businesses, allow employers to design their plans to more effectively meet their workers' needs and increase portability and preservation of retirement income.

In particular, we are pleased that you recognize the need to include provisions that reduce the complexity and improve the incentives for maintaining a retirement plan such as repeal of the "same desk rule," relief from the overly restrictive "anti-cut back rules," modification of the top-heavy and minimum distribution rules, simplification of the ESOP dividend reinvestment rules and relief from the anomalies of the mechanical non-discrimination rules.

However, as you continue your work on an improved employer-sponsored retirement system, we urge you to consider two major savings incentives that regrettably have not been included in the bill. As we discussed with you when you spoke to our Board of Directors last September, increasing the contribution limits and adding a "catch-up" contribution provision would encourage plan participants to save more for retirement. The need for American workers to save more effectively was recently highlighted at the National Summit on Retirement Savings and we believe it is critical that Congress acknowledge its importance by providing increased incentives. As you have recognized by the Pension Coverage and Portability Act, the employer-sponsored retirement system plays a vital role in assuring that Americans have adequate retirement incomes. We look forward to working with you to improve the savings incentives in employer-sponsored retirement plans.

Sincerely,

JAMES A. KLEIN,
President.

NATIONAL ASSOCIATION OF STATE RETIREMENT ADMINISTRATORS,
Washington, DC, July 21, 1998.

Hon. BOB GRAHAM,
Senate Hart Office Building, Washington, DC.

RE: Support Public Pension Portability Provisions the Senate Bipartisan Pension Tax Package

DEAR SENATOR GRAHAM: On behalf of our nation's State retirement plans and the millions of public employees, retirees and beneficiaries who they cover, the National Association of State Retirement Administrators (NASRA) supports public pension provisions contained in the Senate Bipartisan Pension Tax Package.

In particular, we support provisions in your legislation that promote portability between various defined contribution and deferred compensation plans, and that allow funds from all of these plans to be used to purchase permissive service credits in public defined benefit plans. We also applaud provisions that would remove certain pension limitations.

All of these provisions would help employees build and strengthen their retirement savings, especially those who have worked among various public, non-profit and private institutions. Our organization is very grateful for your leadership on former public pension legislation, and commends you on your continued work in this area.

Sincerely,

M. DEE WILLIAMS,
President.
RICHARD E. SCHUMACHER,
Immediate Past President, Chair, Legislative Committee.

• Mr. JEFFORDS. Mr. President, I am glad to cosponsor the Pension Coverage and Portability Act of 1998, (PCPA). I cosponsored the predecessor bill, S. 889 with senators GRAHAM, HATCH, and others, and PCPA is a natural follow-on to S. 889.

This bill will encourage pension plan sponsorship among small businesses and make it easier for the small business man or woman to have greater confidence in government oversight of their plan and that they will not have to constantly hire services of actuaries, accountants and tax attorneys and investment advisers once they establish it. The bill makes it easier to implement a payroll deduction IRA, it provides for a simplified defined benefit pension plan, it allows a payroll deduction SIMPLE plan with limits twice as high as those currently available to IRAs, it eliminates IRS registration fees for new plans and provides a tax credit for plan start up, as well as many other things.

The bill also eases the top-heavy rules. In the days when the only small pension plans belonged to doctor's and lawyer's offices, the top heavy rules were needed to assure non-discrimination in provision of benefits. But instead of expanding coverage, the top heavy rules now tend to impose harsh requirements on the small business owner which deters him or her from even offering a plan. This bill makes changes to the top heavy rules in constructive and thoughtful ways, such as by changing the family aggregation rules, taking employee elective contributions into account for purposes of meeting the standards and simplifying the definition of 'key employee'.

The bill makes pension plans more portable, a feature that is desperately needed in today's highly mobile workforce. Senator GRAHAM has incorporated the body of S. 2329, the bill that he, Senator BINGAMAN and I introduced recently, as Title III of PCPA. Our bill eases rollovers, allows rollovers of after-tax contributions, waives the 60-day rule under certain circumstances, modifies the "same-desk" rule, rationalizes distribution rules and allows governmental workers to purchase service credit with defined contribution plan money to increase their benefits in their defined benefit plans. This bill makes essentially the same changes.

In addition to encouraging plan sponsorship among small businesses and facilitating pension portability, the bill encourages retirement savings education. It also reduces the regulatory burdens associated with maintaining a plan, such as providing coverage test flexibility and freedom from the requirement to use mechanical non-discrimination testing rules.

Although I believe the vast majority of this measure takes positive steps forward, I do have some misgivings about the staffing firms provision included in section 108. I am cosponsoring PCPA despite the inclusion of section 108 in the bill, but I hope that Senator GRAHAM and the other cosponsors will work with me to air the issues and try to address the concerns of those who oppose this provision in as constructive a manner as is appropriate.•

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. ENZI, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 657

At the request of Mr. DASCHLE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 769

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 769, a bill to amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes.

S. 1321

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1427

At the request of Mr. FORD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1647

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1890

At the request of Mr. DASCHLE, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1890, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1891

At the request of Mr. DASCHLE, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1891, a bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 1924

At the request of Mr. MACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 2035

At the request of Mr. BAUCUS, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2035, a bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, or consolidation of post offices, and for other purposes.

S. 2128

At the request of Mr. STEVENS, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

S. 2162

At the request of Mr. MACK, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2162, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Idaho (Mr. KEMPTHORNE), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. HELMS), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2259

At the request of Mr. MURKOWSKI, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2259, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from Ohio (Mr. GLENN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2296

At the request of Mr. MACK, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 2330

At the request of Mr. NICKLES, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 2330, a bill to improve the access and choice of patients to quality, affordable health care.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. REED), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

AMENDMENTS SUBMITTED

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

BROWNBACK AMENDMENT NO. 3226

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill (S. 2260) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related programs for the fiscal year ending September 30, 1999; as follows:

On page 62, lines 3 through 16, strike "That if the standard build-out" and all that follows through "covered by those costs." and insert the following: "That the standard build-out costs of the Patent and Trademark Office shall not exceed $36.69 per occupiable square feet in year 2000 dollars (which constitutes the amount specified in the Advanced Acquisition program of the General Services Administration), including any above-standard costs: *Provided further*, That

the moving costs of the Patent and Trademark Office (which shall include the costs of moving furniture, telephone, and data installation) shall not exceed $135,000,000.".

COATS AMENDMENT NO. 3227

Mr. COATS proposed an amendment to the bill, S. 2260, supra; as follows:

On page 135, between lines 11 and 12, insert the following:

TITLE I.—

SEC. 620. (a) PROHIBITION.—

(1) IN GENERAL.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e)(1) Whoever in interstate or foreign commerce in or through the World Wide Web is engaged in the business of the commercial distribution of material that is harmful to minors shall restrict access to such material by persons under 17 years of age.

"(2) Any person who violates paragraph (1) shall be fined not more than $50,000, imprisoned not more than six months, or both.

"(3) In addition to the penalties under paragraph (2), whoever intentionally violates paragraph (1) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(4) In addition to the penalties under paragraphs (2) and (3), whoever violates paragraph (1) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(5) It is an affirmative defense to prosecution under this subsection that the defendant restricted access to material that is harmful to minors by persons under 17 years of age by requiring use of a verified credit card, debit account, adult access code, or adult personal identification number or in accordance with such other procedures as the Commission may prescribe.

"(6) This subsection may not be construed to authorize the Commission to regulate in any manner the content of any information provided on the World Wide Web.

"(7) For purposes of this subsection:

"(A) The term 'material that is harmful to minors' means any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that—

"(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

"(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

"(iii) lacks serious literary, artistic, political, or scientific value.

"(B) The terms 'sexual act' and 'sexual contact' have the meanings assigned such terms in section 2246 of title 18, United States Code.".

(2) CONFORMING AMENDMENT.—Subsection (h) of such section, as so redesignated, is amended by striking "(e), or (f)" and inserting "(f), or (g)".

(b) AVAILABILITY ON INTERNET OF DEFINITION OF MATERIAL THAT IS HARMFUL TO MINORS.—The Attorney General, in the case of the Internet web site of the Department of Justice, and the Federal Communications Commission, in the case of the Internet web site of the Commission, shall each post or otherwise make available on such web site such information as is necessary to inform the public of the meaning of the term "material that is harmful to minors" under section 223(e) of the Communications Act of 1934, as amended by subsection (a) of this section.

McCAIN (AND OTHERS) AMENDMENT NO. 3228

Mr. McCAIN (for himself, Mr. COATS, and Mrs. MURRAY) proposed an amendment to amendment No. 3227 proposed by Mr. COATS to the bill, S. 2260, supra; as follows:

At the end of the pending Amendment, add the following:

TITLE II.—INTERNET FILTERING

SECTION 1. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS.

(a) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

"(l) IMPLEMENTATION OF A FILTERING OR BLOCKING SYSTEM.—

"(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) or (3), respectively.

"(2) CERTIFICATION FOR SCHOOLS.—Before receiving universal service assistance under subsection (h)(1)(B), an elementary or secondary school (or the school board or other authority with responsibility for administration of that school) shall certify to the Commission that it has—

"(A) selected a system for computers with Internet access to filter or block matter deemed to be inappropriate for minors; and

"(B) installed, or will install as soon as it obtains computers with Internet access, a system to filter or block such matter.

"(3) CERTIFICATION FOR LIBRARIES.—Before receiving universal service assistance under subsection (h)(1)(B), a library that has a computer with Internet access shall certify to the Commission that, on one or more of its computers with Internet access, it employs a system to filter or block matter deemed to be inappropriate for minors. If a library that makes a certification under this paragraph changes the system it employs or ceases to employ any such system, it shall notify the Commission within 10 days after implementing the change or ceasing to employ the system.

"(4) LOCAL DETERMINATION OF CONTENT.—For purposes of paragraphs (2) and (3), the determination of what matter is inappropriate for minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making that determination;

"(B) review the determination made by the certifying school, school board, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).".

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking "All telecommunications" and inserting "Except as provided by subsection (l), all telecommunications".

McCAIN (AND BURNS) AMENDMENT NO. 3229

Mr. McCAIN (for himself and Mr. BURNS) proposed an amendment to the bill, S. 2260, supra; as follows:

At the appropriate place, insert the following:

SEC. —. MULTICHANNEL VIDEO PROGRAMMING.

(a) FINDINGS.—

(1) The Congress finds that:

(A) Signal theft represents a serious threat to direct-to-home satellite television. In the Telecommunications Act of 1996, Congress confirmed the applicability of penalties for unauthorized decryption of direct-to-home satellite services. Nevertheless, concerns remain about civil liability for such unauthorized decryption.

(B) In view of the desire to establish competition to the cable television industry, Congress authorized consumers to utilize direct-to-home satellite systems for viewing video programming through the Cable Communications Policy Act of 1984.

(C) Congress found in the Cable Television Consumer Protection and Competition Act of 1992 that without the presence of another multichannel video programming distributor, a cable television operator faces no local competition and that the result is undue market power for the cable operator as compared to that of consumers and other video programmers.

(D) The Federal Communications Commission, under the Cable Television Consumer Protection and Competition Act of 1992, has the responsibility for reporting annually to the Congress on the state of competition in the market for delivery of multichannel video programming.

(E) In the Cable Television Consumer Protection and Competition Act of 1992, Congress stated its policy of promoting the availability to the public of a diversity of views and information through cable television and other video distribution media.

(F) Direct-to-home satellite television service is the fastest growing multichannel video programming service with approximately 8 million households subscribing to video programming delivered by satellite carriers.

(G) Direct-to-home satellite television service is the service that most likely can provide effective competition to cable television service.

(H) Through the compulsory copyright license created by section 119 of the Satellite Home Viewer Act of 1988, satellite carriers have paid a royalty fee per subscriber, per month to retransmit network and superstation signals by satellite to subscribers for private home viewing.

(I) Congress set the 1988 fees to equal the average fees paid by cable television operators for the same superstation and network signals.

(J) Effective May 1, 1992, the royalty fees payable by satellite carriers were increased through compulsory arbitration to $0.06 per subscriber per month for retransmission of network signals and $0.175 per subscriber per month for retransmission of superstation signals, unless all of the programming contained in the superstation signal is free from syndicated exclusivity protection under the rules of the Federal Communications Commission, in which case the fee was decreased to $0.14 per subscriber per month. These fees

were 40–70 percent higher than the royalty fees paid by cable television operators to retransmit the same signals.

(K) On October 27, 1997, the Librarian of Congress adopted the recommendation of the copyright Arbitration Royalty Panel and approved raising the royalty fees of satellite carriers to $0.27 per subscriber per month for both superstation and network signals, effective January 1, 1998.

(L) The fees adopted by the Librarian are 270 percent higher for superstations and 900 percent higher for network signals than the royalty fees paid by cable television operators for the exact same signals.

(M) To be an effective competitive to cable, direct-to-home satellite television must have access to the same programming carried by its competitors and at comparable rates. In addition, consumers living in areas where over-the-air network signals are not available rely upon satellite carriers for access to important news and entertainment.

(N) The Copyright Arbitration Royalty Panel did not adequately consider the adverse competitive effect of the differential in satellite and cable royalty fees on promoting competition among multichannel video programming providers and the importance of evaluating the fees satellite carriers pay in the context of the competitive nature of the multichannel video programming marketplace.

(O) If the recommendation of the Copyright Arbitration Royalty Panel is allowed to stand, the direct-to-home satellite industry, whose total subscriber base is equivalent in size to approximately 11 percent of all cable households, will be paying royalties that equal half the size of the cable royalty pool, thus giving satellite subscribers a disproportionate burden for paying copyright royalties when compared to cable television subscribers.

(b) DBS SIGNAL SECURITY.—Section 605(d) of the Communications Act of 1934 (47 U.S.C. 605) is amended by adding after "satellite cable programming," the following: "or direct-to-home satellite services,".

(c) NOTICE OF INQUIRY; REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended by adding at the end of subsection (g): "The Commission shall, within 180 days after enactment of the Act making appropriations for the Department of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year evolving September 30, 1998, initiate a notice of inquiry to determine that best way in which to facilitate the retransmission of distant broadcast signals such that it is more consistent with the 1992 Cable Act's goal of promoting competition in the market for delivery of multichannel video programming and the public interest. The Commission also shall within 180 days after such date of enactment report to Congress on the effect of the increase in royalty fees paid by satellite carriers pursuant to the decision by the Librarian of Congress on competition in the market for delivery of multichannel video programming and the ability of the direct-to-home satellite industry to compete.".

(d) EFFECTIVE DATE.—Notwithstanding any other provision of law, the Copyright Office is prohibited from implementing, enforcing, collecting or awarding copyright royalty fees, and no obligation or liability for copyright royalty fees shall accrue pursuant to the decision of the Librarian of Congress on October 27, 1997, which established a royalty fee of $0.27 per subscriber per month for the retransmission of distant broadcast signals by satellite carriers, before January 1, 2000.

BOXER (AND OTHERS) AMENDMENT NO. 3230

Mrs. BOXER (for herself, Mr. KOHL, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. MOYNIHAN, and Ms. LANDRIEU) proposed an amendment to the bill, S. 2260, supra; as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. 1__. CHILD SAFETY LOCKS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'locking device' means a device or locking mechanism—

"(A) that—

"(i) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

"(ii) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm; or

"(iii) is a safe, gun safe, gun case, lock box, or other device that is designed—

"(I) to store a firearm; and

"(II) to be unlocked only by means of a key, a combination, or other similar means; and

"(B) that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred.".

(b) UNLAWFUL ACTS.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

"(y) LOCKING DEVICES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to—

"(A) the—

"(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

"(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).".

(2) EFFECTIVE DATE.—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 150 days after the date of enactment of this Act.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(y) of that title.

(d) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO LOCKING DEVICES.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

"(i) suspend or revoke any license issued to the licensee under this chapter; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 150 days after the date of enactment of this Act.

BOXER (AND OTHERS) AMENDMENT NO. 3231

Mrs. BOXER (for herself, Mr. KOHL, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. MOYNIHAN, Ms. LANDRIEU, and Ms. MIKULSKI) proposed an amendment to amendment No. 3230 proposed by Mrs. BOXER to the bill, S. 2260, supra; as follows:

Strike all after the first word and insert the following:

1__. CHILD SAFETY LOCKS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'locking device' means a device or locking mechanism—

"(A) that—

"(i) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

"(ii) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm; or

"(iii) is a safe, gun safe, gun case, lock box, or other device that is designed—

"(I) to store a firearm; and

"(II) to be unlocked only by means of a key, a combination, or other similar means; and

"(B) that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred.".

(b) UNLAWFUL ACTS.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

"(y) LOCKING DEVICES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to—

"(A) the—

"(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

"(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).".

(2) EFFECTIVE DATE.—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 180 days after the date of enactment of this Act.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(y) of that title.

(d) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO LOCKING DEVICES.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

"(i) suspend or revoke any license issued to the licensee under this chapter; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

BAUCUS AMENDMENT NO. 3232

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 2260, supra; as follows:

On page 56, line 16, insert before the period at the end the following: ": *Provided further*, That of the amounts available under this heading, $150,000 shall be made available to the Bear Paw Development Council, Montana, for the management and conversion of the Havre Air Force Base and Training Site, Montana, for public benefit purposes, including public schools, housing for the homeless, and economic development".

SMITH (AND ENZI) AMENDMENT NO. 3233

Mr. SMITH of New Hampshire (for himself and Mr. ENZI) proposed an amendment to the bill, S. 2260, supra; as follows:

At the appropriate place, insert the following:

"SEC. . None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) any system to implement 18 U.S.C. 922(t) that does not require and result in the immediate destruction of all information, in any form whatsoever, submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm; (2) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); provided, that any person aggrieved by a violation of this provision may bring an action in the federal district court for the district in which the person resides; provided, further, that any person who is successful with respect to any such action shall receive damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee. The provisions of this section shall become effective one day after enactment."

SMITH AMENDMENT NO. 3234

Mr. SMITH of New Hampshire proposed an amendment to amendment No. 3233 proposed by him to the bill, S. 2260, supra; as follows:

In the pending amendment, strike all after the word "SEC." and insert in lieu thereof the following:

None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) any system to implement 18 U.S.C. 922(t) that does not require and result in the immediate destruction of all information, in any form whatsoever, submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm; (2) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); provided, that any person aggrieved by a violation of this provision may bring an action in the federal district court for the district in which the person resides; provided, further, that any person who is successful with respect to any such action shall receive damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee. The provisions of this section shall become effective one day after enactment."

LOTT AMENDMENT NO. 3235

Mr. LOTT proposed an amendment to the motion to commit proposed by him to the bill, S. 2260, supra; as follows:

In the appropriate place insert the following:

SEC. . FIREARMS SAFETY.

(a) SECURE GUN STORAGE DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) CERTIFICATION REQUIRED IN APPLICATION FOR DEALER'S LICENSE.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).".

(c) REVOCATION OF DEALER'S LICENSE FOR FAILURE TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES AVAILABLE.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: "or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device)".

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(A) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(B) as establishing any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. FIREARM SAFETY EDUCATION GRANTS.

(a) IN GENERAL.—Section 510 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) undertaking educational and training programs for—

"(A) criminal justice personnel; and

"(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;";

(2) in the first sentence of subsection (b), by inserting before the period the following: "and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c)"; and

(3) by adding at the end the following:

"(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

"(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

"(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

"(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

"(A) is not of a sufficient size to justify an evaluation; or

"(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of enactment of this Act.

LOTT AMENDMENT NO. 3236

Mr. LOTT proposed an amendment to amendment No. 3235 proposed by him to the bill, S. 2260, supra; as follows:

Amendments intended to be proposed by Mr. CRAIG, strike all after the first word of the amendment and insert the following:

FIREARMS SAFETY.

(a) SECURE GUN STORAGE DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) CERTIFICATION REQUIRED IN APPLICATION FOR DEALER'S LICENSE.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).".

(c) REVOCATION OF DEALER'S LICENSE FOR FAILURE TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES AVAILABLE.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: "or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device)".

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(A) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(B) as establishing any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. FIREARM SAFETY EDUCATION GRANTS.

(a) IN GENERAL.—Section 510 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) undertaking educational and training programs for—

"(A) criminal justice personnel; and

"(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;";

(2) in the first sentence of subsection (b), by inserting before the period the following: "and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c)"; and

(3) by adding at the end the following:

"(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

"(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

"(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

"(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

"(A) is not of a sufficient size to justify an evaluation; or

"(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) October 2, 1998; or

(2) the date of enactment of this Act.

LOTT AMENDMENT NO. 3237

Mr. LOTT proposed an amendment to amendment No. 3236 proposed by him to the bill, S. 2260, supra; as follows:

Strike all after the word "Firearms" and insert the following:

SAFETY.

(a) SECURE GUN STORAGE DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the

operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) CERTIFICATION REQUIRED IN APPLICATION FOR DEALER'S LICENSE.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).".

(c) REVOCATION OF DEALER'S LICENSE FOR FAILURE TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES AVAILABLE.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: "or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device)".

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(A) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(B) as establishing any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. . FIREARM SAFETY EDUCATION GRANTS.

(a) IN GENERAL.—Section 510 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) undertaking educational and training programs for—

"(A) criminal justice personnel; and

"(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;";

(2) in the first sentence of subsection (b), by inserting before the period the following: "and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c)"; and

(3) by adding at the end the following:

"(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

"(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

"(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

"(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

"(A) is not of a sufficient size to justify an evaluation; or

"(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.".

CRAIG (AND HATCH) AMENDMENT NO. 3238

Mr. CRAIG (for himself and Mr. HATCH) proposed an amendment to the bill, S. 2260, supra; as follows:

At the appropriate place insert the following:

SEC. . FIREARMS SAFETY.

(a) SECURE GUN STORAGE DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) CERTIFICATION REQUIRED IN APPLICATION FOR DEALER'S LICENSE.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).".

(c) REVOCATION OF DEALER'S LICENSE FOR FAILURE TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES AVAILABLE.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: "or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device)".

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(A) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(B) as establishing any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. . FIREARM SAFETY EDUCATION GRANTS.

(a) IN GENERAL.—Section 510 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) undertaking educational and training programs for—

"(A) criminal justice personnel; and

"(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;";

(2) in the first sentence of subsection (b), by inserting before the period the following: "and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c)"; and

(3) by adding at the end the following:

"(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

"(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect

the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

"(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

"(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

"(A) is not of a sufficient size to justify an evaluation; or

"(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of enactment of this Act.

MOSELEY-BRAUN (AND DURBIN) AMENDMENT NO. 3239

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill, S. 2260, supra; as follows:

On page 51, between lines 9 and 10, insert the following:

SEC. 121. INTERNET PREDATOR PREVENTION.

(a) PROHIBITION AND PENALTIES.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"§ 2261. Publication of identifying information relating to a minor for criminal sexual purposes

"(a) DEFINITION OF IDENTIFYING INFORMATION RELATING TO A MINOR.—In this section, the term 'identifying information relating to a minor' includes the name, address, telephone number, social security number, or e-mail address of a minor.

"(b) PROHIBITION AND PENALTIES.—Whoever, through the use of any facility in or affecting interstate or foreign commerce (including any interactive computer service) publishes, or causes to be published, any identifying information relating to a minor who has not attained the age of 17 years, for the purpose of soliciting any person to engage in any sexual activity for which the person can be charged with criminal offense under Federal or State law, shall be imprisoned not less than 1 and not more than 5 years, fined under this title, or both.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"2261. Publication of identifying information relating to a minor for criminal sexual purposes.".

DURBIN AMENDMENT NO. 3240

Mr. DURBIN proposed an amendment to the bill, S. 2260, supra; as follows:

At the appropriate place in title I of the bill, insert the following:

SEC. ___. FIREARMS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d), by striking paragraph (5) and inserting the following:

"(5) who, being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));";

(2) in subsection (g), by striking paragraph (5) and inserting the following:

"(5) who, being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));";

(3) in subsection (s)(3)(B), by striking clause (v) and inserting the following:

"(v) is not an alien who—

"(I) is illegally or unlawfully in the United States; or

"(II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));"; and

(4) by inserting after subsection (x) the following:

"(y) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NONIMMIGRANT VISAS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B), (g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) an official representative of a foreign government who is—

"(i) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

"(ii) en route to or from another country to which that alien is accredited;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

"(ii) the Attorney General approves the petition.

"(B) PETITION.—Each petition under subparagraph (B) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).

"(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

"(i) would be in the interests of justice; and

"(ii) would not jeopardize the public safety.".

ABRAHAM (AND LEVIN) AMENDMENT NO. 3241

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, S. 2260, supra; as follows:

At the appropriate place in title II, insert the following:

SEC. 2___. SEDIMENT CONTROL STUDY.

Of the amounts made available under this Act to the National Oceanic and Atmospheric Administration for operations, research, and facilities that are used for ocean and Great Lakes programs, $50,000 shall be used for a study of sediment control at Grand Marais, Michigan.

ABRAHAM (AND ALLARD) AMENDMENT NO. 3242

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by them to the bill, S. 2260, supra; as follows:

At the appropriate place, insert the following:

In lieu of the pending amendment, insert the following:

SECTION . SHORT TITLE.

This Act may be cited as the "Powder Cocaine Mandatory Minimum Sentencing Act of 1998".

SEC. . SENTENCING FOR VIOLATIONS INVOLVING COCAINE POWDER.

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—

(1) LARGE QUANTITIES.—Section 401(b)(1)(A)(ii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)(ii)) is amended by striking "5 kilograms" and inserting "500 grams".

(2) SMALL QUANTITIES.—Section 401(b)(1)(B)(ii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)(ii)) is amended by striking "500 grams" and inserting "50 grams".

(b) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to reflect the amendment made by subsection (a).

BUMPERS AMENDMENT NO. 3243

Mr. BUMPERS proposed an amendment to the bill, S. 2260, supra; follows:

At the appropriate place in title II of the bill, insert the following:

SEC. 2___. GRAND JURY RIGHT TO COUNSEL.

(a) IN GENERAL.—Rule 6 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (d), by inserting "and counsel for that witness (as provided in subdivision (h))" after "under examination"; and

(2) by adding at the end the following:

"(h) COUNSEL FOR GRAND JURY WITNESSES.—

"(1) IN GENERAL.—

"(A) RIGHT OF ASSISTANCE.—Each witness subpoenaed to appear and testify before a grand jury in a district court, or to produce books, papers, documents, or other objects before that grand jury, shall be allowed the assistance of counsel during such time as the witness is questioned in the grand jury room."

GRAHAM (AND DEWINE) AMENDMENT NO. 3244

Mr. GRAHAM (for himself and Mr. DEWINE) proposed an amendment to the bill, S. 2260, supra; as follows:

At the appropriate place in title II, insert the following:

SEC. 2.___. PUBLIC AIRCRAFT.

The flush sentence following subparagraph (B)(ii) of section 40102(37) of title 49, United States Code, is amended by striking "if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat" and inserting "if the operation is conducted for law enforcement, search and rescue, or responding to an imminent threat to property or natural resources".

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, July 23, 1998, 10:00 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Presidential Nominees Ida Castro and Paul Igasaki to be Members of the Equal Employment Opportunity Commission. For further information, please call the committee, 202/224-5375.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, August 4 at 9:30 a.m. at the Pendleton Convention Center located at 1601 Westgate, Pendleton, OR 97801.

The purpose of the hearing is to receive testimony on S. 2111, to establish the conditions under which the Bonneville Power Administration and certain Federal agencies may enter into a memorandum of agreement concerning management of the Columbia/Snake River Basin, to direct the Secretary of the Interior to appoint an advisory committee to make recommendations regarding activities under the memorandum of understanding, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources. U.S. Senate, Washington, D.C. 20510. For further information, please contact Ms. Julia McCaul or Mr. Howard Useem at 202-224-7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, July 21, 1998, at 5:30 p.m. in closed session, to consider certain pending nominations.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 21, 1998, to conduct a hearing on the monetary policy report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 21, 1998, at 9:30 a.m. on discretionary spending at the Department of Transportation and Department of Commerce.

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

COMMITTEE ON FINANCE

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, July 21, 1998 beginning at 10:30 a.m. in room SH-215, to conduct a markup.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on S. 766, Insurance Coverage of Contraceptives during the session of the Senate on Tuesday, July 21, 1998, at 10:00 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, July 21, 1998, at 9:00 a.m., to hold a hearing on the nominations of:

Scott E. Thomas, of the District of Columbia, to be a member of the Federal Election Commission for a term expiring April 30, 2003 (reappointment);

David M. Mason, of Virginia, to be a member of the Federal Election Commission for a term expiring April 30, 2003, vice Trevor Alexander McClurg Potter, resigned;

Darryl R. Wold, of California, to be a member of the Federal Election Commission for a term expiring April 30, 2001, vice Joan D. Aikens, term expired; and,

Karl L. Sandstrom, of Washington, to be a member of the Federal Election Commission for a term expiring April 30, 2001, vice John Warren McGarry, term expired.

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

ADDITIONAL STATEMENTS

150TH ANNIVERSARY OF THE SENECA FALLS CONVENTION

• Mrs. HUTCHISON. Mr. President, I rise to recognize and remember the importance of the previous two days in American history. July nineteenth and twentieth, 1998, mark the one hundred and fiftieth anniversary of the Seneca Falls Convention in Seneca Falls, New York. This gathering of American women and men began a movement in our nation that changed the role of women in this country and, ultimately, around the world. Because of the convention's tremendous impact on the American way of life, I joined Senator TORRICELLI and several other Senate colleagues in recently introducing a Senate resolution honoring the women's rights movement and saluting those who made it all happen. Today I speak in honor of this occasion.

Women's struggle for equality had very humble beginnings. Elizabeth Cady Stanton, a housewife and mother of three sons, and Lucretia Mott, a Quaker teacher and staunch abolitionist, were ejected from the 1840 World Anti-Slavery Convention in London simply because they were women. Outraged at such an injustice, they were compelled to call attention to the many freedoms denied to women, including the right to vote or hold elective office, the right to own property if married, the right to obtain a professional education and the basic right to protect oneself from an abusive spouse.

Mrs. Stanton and Miss Mott, along with Jane Hunt, Martha Coffin Wright and Mary Ann McClintock, called for a public convention to discuss the social, civil and religious rights of women. The first meeting of the women's rights movement convened at the Wesleyan Methodist Chapel in Seneca

Falls, New York. Over 300 men and women attended the two day conference, including Susan B. Anthony and Frederick Douglass.

The highlight of the convention was the reading of the Declaration of Sentiments, a document composed on Mrs. McClintock's kitchen table. The statement was based on the words of our Declaration of Independence, applying its self-evident truths to both males and females and declaring all men and women equal. The document even called for a woman's right to vote, a revolutionary idea at the time. In fact, while 68 women and 32 men signed the Declaration of Sentiments, more than 200 attendees refused to endorse such an outrageous notion. Today, it is difficult to imagine a democratic society that would not permit women to hold elective office, sign legal documents or attend the church of their choice, much less exercise the basic right to vote.

Elizabeth Cady Stanton, Lucretia Mott, and the other founders of the women's rights movement epitomized the strength of the American woman and exhibited the courage necessary to put an end to a great injustice. They understood the road before them would be long and hard. Little did they know, however, that it would be more than 70 years before women would be granted suffrage in the United States. Today the movement is symbolized by the unfinished marble carving of the Suffrage advocates now displayed in the Capitol Rotunda.

The calling of the Seneca Falls Convention and the passion of those involved forever changed the course of American history. All Americans should honor the efforts of these intrepid women and learn from their commitment to a cause in which they so deeply believed. Without the fortitude shown throughout this arduous struggle for equality, I could not be standing before you on the Senate floor today.•

RECOGNITION OF OZANAM IN KANSAS CITY, MISSOURI

• Mr. BOND. Mr. President, I rise today to recognize Ozanam in Kansas City, Missouri for its service to the community. For fifty years, Ozanam has been helping children and families in turmoil. Ozanam facility and staff help children reach their full potential and become productive members of society.

Ozanam began in the home of Mr. Al Allen, a Catholic Welfare Staff member, who after noticing the lack of help for emotionally disturbed adolescents, took it upon himself to bring six boys into his own home to give them long-term care, education and guidance. However, in just a year's short time, the need for a larger facility became apparent. Presently, the agency occupies 95 acres including two dormitories, a campus group home, a special education center that contains vocational training classrooms, indoor and outdoor recreation facilities and a spiritual life center.

During its existence, Ozanam has had some outstanding staff and administration to help the more than 4,000 children who have stayed there. Paul Gemeinhardt, President, Judith Hart, Senior Vice President of Development and Doug Zimmerman, Senior Vice President of Agency Operations, deserve special recognition for their undying commitment and service to Ozanam.

I commend the staff of Ozanam for their untiring dedication to helping children and their families in their time of need. I join the many in Missouri who thank Ozanam for its good work and continuing efforts to better the community. Congratulations for fifty years of service.•

THE U.S.S. "CONSTITUTION"

• Mr. KERRY. Mr. President, I would like to take this opportunity to pay tribute to a pillar of American history, a symbol of the proud sacrifices that forced the birth of a nation, and which makes its home in Massachusetts. I speak of course of the vessel that carried into battle the hopes of the early republic for freedom and a lasting independence, the ship that generation upon generation of schoolchildren have come to know as "Old Ironsides"—the U.S.S. *Constitution*.

Two hundred and four years ago, six frigates were constructed for the United States Navy. One ship remains to this day to symbolize the strength and endurance that lies at the heart of this country's experiment in democratic ideals. The U.S.S. *Constitution*—docked in historic Charlestown Navy Yard in Boston—is a living monument to our proud history and to the values which endure in this country.

Like the Constitution written in Philadelphia that unified so many voices bound by a common spirit, this frigate itself carries in its mighty structure materials from all the original states of the union. Built by Colonel George Claghorn at Edmond Hartt's shipyard in Boston's North End, its hull of live oak, red cedar, white oak and pitch pine come from as far north as the deep woods of Maine and as far south as the forests of South Carolina and Georgia. The masts come from Maine. South Carolina pine gave the *Constitution* its decks, and canvas from Rhode Island formed the sails that pushed it on its historic journey. New Jersey contributed its keel and cannon balls, and the gun carriages and anchors came from Massachusetts tradespeople. We must never forget that it was Boston's Paul Revere, among the strongest voices in the chorus of revolution, who provided the spikes and copper sheathing that fortified the ship in battle. The U.S.S. *Constitution* belongs to all of us, from every state—and it belongs to every one around the world who believes in freedom.

Although this mighty ship was officially retired from naval duty in 1881, it continues to remind us of the work ahead of us in making the world safe for those who dare to dream, who dare to give voice to new ideas. The U.S.S. *Constitution* is launched into a new battle each time it reminds us of the full measure of sacrifice that our love of freedom demand for its protection. For hundreds of thousands of visitors each year, the U.S.S. *Constitution* is an inspiration—reminding us not just of where America has been, but where America is going. With its sails filled with the winds of freedom, I know the *Constitution* will take us all on endless journeys towards a new horizon, with our only boundaries lying in the limits of mankind's hopes for a better world.•

A NEW APPROACH FOR SOUTH ASIA

• Mr. MOYNIHAN. Mr. President. With the recent nuclear tests in South Asia, we are closer to nuclear war than we have been at any time since the Cuban Missile Crisis. This is a challenge which will compel the highest attention and the most subtle diplomacy. It requires extensive discussion with India and Pakistan. Deputy Secretary of State Strobe Talbott has begun such a dialogue. He is a gifted diplomat; however, I must emphasize that despite the considerable talents of the Deputy Secretary, this is an issue which requires the President's close involvement.

Congress must also be involved in addressing the issues which arise from the nuclear tests in South Asia. Legislation is required to lift the sanctions which these actions triggered. As such, I was pleased that my friend from Delaware, the ranking member of the Foreign Relations Committee, has set out a very sensible approach to South Asia. In a recent speech to the Carnegie Endowment for International Peace, Senator BIDEN challenges us to think anew about South Asia and calls on Congress to provide the President with the flexibility to negotiate in South Asia. This must entail providing him with broad authority to waive the present sanctions.

Most importantly, Senator BIDEN calls on the President to make "arrangements to go to India." This is paramount and I hope that the President will note this wise counsel. The actions which we take to address this volatile situation will have profound repercussion on the future of the subcontinent and the world. Such stakes require the President's active participation. We must talk with them as a

matter not just of their survival, but of our own as well. And we must stop supposing that sanctions are the answer. They are not.

Mr. President, I commend the remarks of our colleague, Senator BIDEN, and ask that they be printed in the RECORD.

The remarks follow:

A NEW APPROACH FOR SOUTH ASIA

(By Joseph R. Biden, Jr.)

Two months ago, in the Rajasthan desert, the Government of India claimed to have exploded five nuclear devices. Just 15 days later, the Government of Pakistan followed suit.

These events, in a few short weeks, expanded the acknowledged nuclear club by forty percent. They confront the United States, as well as the rest of the international community, with a monumental challenge, calling into question decades of U.S. non-proliferation policy.

Addressing this challenge—devising a new approach toward South Asia—is the subject of my remarks today. I thank you for the kind invitation.

We can expect the policy community to dramatically increase the time and attention it devotes to South Asia in the coming months, but you at the Carnegie Endowment can credibly claim that you were focusing on nuclear tensions long before it was even remotely fashionable. If only more had listened.

Clearly the tests by India and Pakistan require us to reexamine many aspects of our foreign and national security policy. We need to jettison some long-held beliefs that have acted as self-imposed constraints on U.S. policy.

Traditional approaches have not worked in the past in South Asia and will not work in the present situation. We need to think "outside the box." Most of all, our national interests throughout Asia dictate that we end our benign neglect of South Asia. Let me outline the shortcomings of our policy:

First, we have not acknowledged or addressed the fundamental sense of insecurity felt by both India and Pakistan since the end of the Cold War.

It is both facile and misleading to blame India's decision to test solely on the election of the BJP government. While the BJP certainly had a domestic political imperative to test, there was already a consensus across the political spectrum in India (except for the Communists) that India needed to conduct tests.

Why? Because of India's underlying perception in the aftermath of the Cold War that it was isolated, vulnerable, and not taken seriously.

For much of the Cold War, but especially after the 1971 Indo-Pakistan war, a measure of stability prevailed with China and the United States as key supporters of Pakistan, and the Soviet Union as the chief ally of India. This set of power relationships, combined with the threat of U.S. sanctions, restrained India and Pakistan from either testing or deploying nuclear weapons.

With the end of the Cold War and the demise of the Soviet Union, India could no longer rely on Moscow to balance China. In addition, India perceives us—falsely, I believe—as cultivating China as the regional hegemon that will preserve Asian stability.

The perceived U.S. preoccupation with China generates deep concern in New Delhi. Remember: China defeated India in the 1962 war and occupied several thousand square kilometers of disputed territory, a humiliation from which India has yet to recover. And a decade ago Indian and China massed several hundred thousand troops along their disputed border.

India's sense of strategic encirclement was heightened by reports of Chinese missile and nuclear transfers to Pakistan and budding Chinese military and security ties to Burma throughout the 1990s. Pakistan's test of a missile with a 1,000 kilometer range last April appeared to fit this pattern even though U.S. officials pointed to North Korea as the real source of the missile.

To put this in context, how would China feel if the tables were turned? What if India transferred its missiles to Vietnam, fighter planes to Mongolia, or a nuclear bomb design to Taiwan?

In such an environment, India felt that it was on its own and needed to demonstrate its capabilities, change the strategic landscape, in order to be taken more seriously by China, the United States, and other powers.

Pakistan's motives for testing are far less complicated than India's, but no less serious. Its strategic aim has been to resist Indian hegemony and guarantee its survival. Just as India's drive for a nuclear device can be traced to the defeat it suffered at the hands of China in 1962 and China's subsequent nuclear test in 1964, Pakistan's nuclear program can be traced to the role India played in splitting Pakistan into two with the creation of Bangladesh in 1971.

Many in Pakistan believe that India has never accepted the partition of the Indian subcontinent back in 1947. In Pakistan, therefore, nuclear capability is seen as the ultimate guarantor of its statehood.

It should come as no surprise, then, that Pakistan felt it needed to test to reestablish the deterrence that was disrupted by India's tests.

The end of the Cold War also made Pakistan feel abandoned and isolated. The United States no longer needed Pakistan to contain Soviet power. The Pressler amendment, invoked in 1990, banned aid to Pakistan and led directly to the erosion of Pakistan's conventional arsenal. This was seen as a betrayal, and has limited our influence with Pakistan ever since.

Unfortunately, we failed to acknowledge or act upon these fundamental shifts affecting Pakistan, just as we ignored the changes in India's security perceptions.

The second shortcoming of our South Asia policy is that its two chief elements—commerce and sanctions—are contradictory. We use sanctions to punish proliferation at the same time we are promoting commercial ties to take advantage of long-overdue market openings in both countries.

This policy is half right. The expansion of trade and investment ties with India and Pakistan will help these countries realize their full potential as well as benefit our own economic interests.

But the application of a one-size-fits-all non-proliferation policy is not appropriate to the special circumstances in South Asia. It lumps India and Pakistan with the far more dangerous outlaw states such as Libya and Iraq. It ignores the great lengths both countries have been prepared to go in order to achieve a basic sense of security. It presumes our influence is much greater than it actually is. Finally, it has prevented us from developing creative approaches to stabilize nuclear and missile development in the region.

Legislation initiated by the Congress, and signed by successive Presidents, is the basis for this rigid approach. I voted for that legislation. But when viewed in the context of Pakistan's and India's decision to test, I have to conclude that while our approach worked for many years, it is no longer working. It didn't stop them from testing, and it provides no incentive for India and Pakistan to take positive steps now.

To be sure, sanctions, when carefully calibrated, are a valuable policy tool. But I think it is clear that multilateral sanctions are more effective than unilateral sanctions. For example, the recent decision by the Group of Eight to delay indefinitely World Bank loans for India and Pakistan is more likely to produce results than unilateral U.S. action.

Given these defects in our policy, I believe we have no choice but to construct a new conceptual framework. Here are our options.

First, we could maintain the status quo. That is, we retain sanctions on India and Pakistan indefinitely, not recognize their nuclear status, and keep the fundamentals of our Asia policy unchanged. That would "keep the faith" on non-proliferation, but leave the underlying tensions in place and set the stage for the next, perhaps more dangerous, crisis.

A second approach that has been suggested is bolder: why not enlist India as a potential strategic ally against a "China threat?" But this runs the risk of becoming a self-fulfilling prophecy. China does not show signs of becoming hostile, nor are china's interests necessarily in conflict with our own. China prizes peace, stability, and economic development above all else.

I suggest a third approach. First, we should abandon our one-size-fits-all non-proliferation policy that we have applied to South Asia. We need to make distinctions between India, Israel, and Pakistan on the one hand, and nations that flout international norms such as Iraq and Libya on the other. The former should not concern us as much as the latter.

We are better served by bringing India and Pakistan into non-proliferation arrangements than by simply expecting them to foreswear their nuclear programs. In practical terms, this means that Congress should provide the President with the flexibility to negotiate a package that would lift sanctions in exchange for restraint by India and Pakistan in the areas that matter most to us.

We should seek agreement on five items: Formal commitments, preferably through adherence to the Comprehensive Test Ban Treaty, to refrain from further nuclear testing; pledges to enter negotiations for a Fissile Material Cut-off Treaty; Assurances that both countries will continue to refrain from spreading nuclear and missile technology; verifiable commitments not to deploy nuclear weapons on missiles, submarines, or aircraft; and a resumption of comprehensive bilateral discussions between India and Pakistan aimed at reducing tensions.

Such a package would serve our twin objectives of repairing the damage to the global non-proliferation regime, while not indefinitely isolating one-fifth of humanity.

Second, we need to distinguish between the relative importance of India and Pakistan to our interests over the long-term. Pakistan has been a good friend in the past, and we should not forget that. Moreover, a policy that dismisses Pakistan's legitimate security needs is bound to fail.

In fact, I believe that when we eventually ease the recently-imposed sanctions on India and Pakistan, we should simultaneously

waive the Pressler and Symington amendments, which restrict military and economic aid to Pakistan. The time has come to clear the decks in our relationship with Pakistan and end a policy which is perceived as discriminatory by Islamabad.

Nor should we overlook the important strategic role Pakistan could play as a secure transit route for the vast oil and gas reserves of the Caspian Basin, if, and this is a big if, peace can be secured in Afghanistan.

But American national interests in the new multipolar world dictate a different level of relations with India. Because of its growing economic and political weight, India will become a significant player in Asia and at the global level.

Already India has a middle class approaching 200 million people. If Indian governments make policy decisions that continue to unleash the latent potential of a talented population, then India will in time achieve the great power status to which it has long aspired.

Furthermore, if current trends hold, I believe that it is only natural for some form of rivalry to persist, if not intensify, between a growing India and China. Obviously, this would diminish security and threaten U.S. interests across Asia.

To prevent it, two things must be done. First, the Sino-Indian rivalry must be channeled into a healthy and constructive competition. Second, as both India and China achieve great power status, they will need to ease the anxieties of lesser powers.

To deal with this emerging regional picture we must move away from a focus on discrete bilateral relationships in Asia, and broaden our vision with a more integrated region-wide approach that regards South Asia as an integral part of Asia.

I propose a new framework that would give a "seat at the table" to all of the major players in Asia—India, China, Japan, Russia, and the United States. The emphasis should not be so much on formal structures, but on substance. The goal of this new framework would be to promote greater consultation and transparency among the countries.

The two emerging powers in this group—India and China—should be encouraged to set an example of cooperation for the rest of Asia. Such a system would also help them to realize that along with great power status comes responsibility. They must convince smaller nations of their peaceful intentions; they must act to strengthen, not weaken, international norms; and they must be seen as supporting an international environment that promotes peace and prosperity for all.

The "Gujral doctrine" demonstrates that India has the potential to mature into a responsible great power. As espoused by the previous Indian Prime Minister, this doctrine called for India, as the dominant power in South Asia, to go more than halfway in easing the fears of its smaller neighbors. I hope that the new Indian government will not stray from this far-sighted policy adopted by its predecessor.

The United States will need to take the lead in setting this regional security mechanism into motion. It could begin today with the President picking up the phone and speaking to the leaders of India, Russia, and Japan about the insights he gained from his trip to China and making arrangements to go to India.

Regular consultation among the key Asian countries could go a long way toward dispelling anxieties and suspicions. It would give everyone a stake in maintaining stability. It would provide an incentive for regional powers to work toward the settlement of longstanding disputes such as those over the Sino-Indian border, the Kurile islands, the Korean peninsula, and the South China Sea.

Key countries could be encouraged to share information about their armaments and defense budgets. If the other side does not have information, it will assume the worst. This inevitably leads to decisions and potentially dangerous cycles of action and reaction that are predicated upon assumptions that may be false.

Let me conclude. Devising a new approach to South Asia will not be easy, especially considering that it is being done in response to actions we don't approve of—namely, the Pakistan and Indian nuclear tests. But we have no choice, because the status quo is not an option.

We must show India and Pakistan that while we condemn their tests, we understand their security concerns and are willing to deal with them. If we don't devise a new approach, tensions will grow and South Asia's endemic security problems will undermine our long-term interests. And one thing is clear: South Asian security is becoming inseparable from Asian security.

And, of course, Asia matters to the United States. Despite recent economic setbacks, Asia will continue to be the most dynamic region into the next century. Our economic links will continue to grow. The regional balance of power and security perceptions will also undergo dramatic changes. I believe that we will need to find new mechanisms to preserve our security interests.

An effort that begins today in enlisting the key Asian powers in advancing our common objectives of peace, stability, and prosperity is one that could pay dividends far into the next century. Now is the time to begin.●

UNANIMOUS CONSENT AGREEMENT—S. 442

Mr. GREGG. I ask unanimous consent that S. 442 be referred to the Committee on Finance and, further, if the bill has not been reported by July 30, it be automatically discharged from the Finance Committee and placed on the calendar.

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

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

Mr. GREGG. I ask unanimous consent that the Senate insist on its amendment to H.R. 4112, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The Presiding Officer appointed Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mr. DORGAN, Mrs. BOXER, and Mr. BYRD conferees on the part of the Senate.

ORDERS FOR WEDNESDAY, JULY 22, 1998

Mr. GREGG. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, July 22. I further ask that when the Senate reconvenes on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of S. 2260, the Commerce-State-Justice appropriations bill.

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

PROGRAM

Mr. GREGG. For the information of all Senators, when the Senate reconvenes on Wednesday, there will be potentially two back-to-back votes beginning at 9:40 a.m. In addition, I ask unanimous consent that following the stacked votes, Senator SESSIONS be recognized to offer an amendment relative to juvenile justice.

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

MEASURE PLACED ON THE CALENDAR—H.R. 1432

Mr. GREGG. I understand there is a bill at the desk awaiting its second reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa.

Mr. GREGG. I object to further consideration of the bill at this time.

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

Mr. GREGG. The Senate will be in session late tomorrow in an effort to conclude the pending bill by the close of business tomorrow. Therefore, votes will occur throughout the day and into the evening on Wednesday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GREGG. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 8:55 p.m., adjourned until Wednesday, July 22, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1998:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Thomasina V. Rogers, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2003, vice Velma Montoya, term expired.

CORPORATION FOR PUBLIC BROADCASTING

Ritajean Hartung Butterworth, of Washington, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004. (Reappointment)

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. BRUCE W. PIERATT, [redacted].

DEPARTMENT OF DEFENSE

Bernard Daniel Rostker, of Virginia, to be Under Secretary of the Army, vice Robert M. Walker.

DEPARTMENT OF STATE

John Melvin Yates, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Robert C. Randolph, of Washington, to be an Assistant Administrator of the Agency for International Development, vice Margaret V. W. Carpenter, resigned.

EXECUTIVE OFFICE OF THE PRESIDENT

Sylvia M. Mathews, of West Virginia, to be Deputy Director of the Office of Management and Budget, vice Jacob Joseph Lew.

DEPARTMENT OF JUSTICE

James A. Tassone, of Florida, to be United States Marshal for the Southern District of Florida for the term of four years, vice Daniel J. Horgan.

Scott Richard Lassar, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years vice James B. Burns, resigned.

DEPARTMENT OF VETERANS AFFAIRS

Leigh A. Bradley, of Virginia, to be General Counsel, Department of Veterans Affairs, vice Mary Lou Keener, resigned.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on July 21, 1998, withdrawing from further Senate consideration the following nominations:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMASINA V. ROGERS, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 27, 2001, VICE DANIEL GUTTMAN, WHICH WAS SENT TO THE SENATE ON JUNE 24, 1998.

DEPARTMENT OF DEFENSE

BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE FREDERICK F. Y. PANG, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 2, 1998.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE AGRICULTURE EXPORT ENHANCEMENT ACT OF 1998

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. EWING. Mr. Speaker, today I am pleased to introduce the Agriculture Export Enhancement Act of 1998. Farm exports have soared over the past several years and foreign exports present great opportunities for American farmers and ranchers. However, too many trade barriers prevent billions of people from buying our products. Our trade negotiators need to focus their attention on eliminating tariffs, subsidies, and other foreign regulations that limit what we sell overseas. This legislation would establish these negotiating objectives.

This legislation identifies current foreign laws and regulations that limit U.S. farm exports and requires the Executive Branch to make their elimination a priority in upcoming trade negotiations. It calls for a date-certain for the elimination of tariffs on farm exports and of subsidies that distort the international prices of agricultural commodities and requires countries to reform the activities of state trading enterprises (STEs) that hamper agricultural exports.

With 40% of American agriculture commodities and products being exported. The American farmer is more reliant on international markets than any other sector of the U.S. economy. That is why it is so important that the U.S. layout specific agricultural trade negotiation objectives.

THE SESQUICENTENNIAL OF MARQUETTE TOWNSHIP

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. STUPAK. Mr. Speaker, Marquette Township in my northern Michigan district is celebrating its Sesquicentennial this year. Although my House colleagues and most other Americans may not recognize Marquette Township by name, this community on the shore of Lake Michigan has played an important role in the development of the U.S. steel industry and in the improvement of highway traffic safety.

A theme of Marquette Township on the occasion of its 150th anniversary might be its blending of old and new, and this theme is reflected in the topography of the township itself. The iron-rich hills that rise to become small mountains on the southern Lake Michigan shore are made up of some of the oldest rock formations on Earth, but they have been scoured and shaped by the great glaciers that covered North America only yesterday, geologically speaking.

Two important resources, iron ore and timber, drew settlers to this region. The old days of the boom in both mining and lumbering, however, are now merely part of the region's lore. Lumbering on a massive scale ended when virgin forest were cut, and the economies of steel production and shipping brought an end to the early ambitious steel mills and mines. In these new days, lumbering is a managed and planned enterprise, conducted with an eye toward reforestation and preservation of the environment, and new mining techniques, which allow iron ore to be shipped as pellets, has allowed mining to find new life in the region.

Marquette Township and the surrounding communities enjoyed for years the economic benefits of K.I. Sawyer Air Force Base, one of the airfields which served as a staging area for U.S. strategic bombers. The area was devastated by the closing of this base, but the enterprising nature of the people of this region has permitted this base to find new life as a center for economic development.

It's clear, Mr. Speaker, that the people of Marquette Township can celebrate their sesquicentennial with confidence that those elements of their social and economic lives which have had value will be preserved and renewed.

K.I. Sawyer Air Force Base was named for a former Marquette County Road Commission Superintendent, Mr. Kenneth Ingalls Sawyer, who in 1917 performed a singular act in Marquette Township that has led to his being recognized in the Michigan Highways Hall of Honor. Mr. Sawyer went out to a dangers curve in the township, called "Dead Man's Curve," on part of what later became U.S. 41 and painted a strip in the center to help drivers stay in their own lanes. Successful in Marquette Township, the practice was adopted for all Marquette County's roads in 1918, and eventually across the entire nation.

Marquette Township has a complicated history as a political entity, because as the region has developed the township has grown and shrunk, seen its township lines shifted, and has watched as the city of Marquette was carved from its holdings. Much of its history, therefore, now lies outside the current township lines.

But, Mr. Speaker, there is located in Marquette Township an old gold mine. I probably shouldn't reveal its exact location, and it is currently not in use, but the mine is probably an excellent symbol of this rural community as it reflects on its 150-year history. The real treasury of the area is not the gold or the iron ore or the timber that people have found there. The treasures are the people, the families, the quality of life, and the rich heritage and tradition that is revealed when residents begin the process of researching their roots.

That is the real importance and value of Marquette Township's Sesquicentennial. I ask my colleagues to join me in praising the local organizers of this event for their efforts, and in wishing the Marquette Township a future as rich and interesting as its past.

TRIBUTE TO MAJOR GENERAL RONALD H. MARKARIAN FOR HIS DISTINGUISHED SERVICE TO THE CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Major General Ronald Markarian for his distinguished service and dedication to the California Veterans Board. The California Veterans Board advises the Governor, Legislature and Department of Veterans Affairs on veterans issues.

Major General Ronald H. Markarian was appointed by Governor Pete Wilson to the California Veterans Board in 1994. General Markarian has served as state director of the selective service system since 1987. Governor Wilson appointed Ron Markarian as Commanding General of the California State Military Reserve and promoted him to the rank of Major General in July 1990. He retired as a Colonel in the United States Air Force in 1980, after serving 30 years.

Major General Markarian flew 116 combat reconnaissance missions in the Vietnam War. Several commendations were awarded, including the Legion of Merit, Bronze Star and Meritorious Service Medal. His assignments have included: air crew duties in B–47 and B–52 strategic bombers; strategic nuclear planning with the Joint Strategic Planning Staff in Nebraska; Strategic Reconnaissance Operations at Headquarters, Pacific Command in Hawaii; Chief of Air Reconnaissance Operations at HQ USMACV in Southeast Asia; six years at the Pentagon where he served as Chief of Air Reconnaissance Systems and Director of the Intelligence Reserve Forces.

Major General Markarian is a graduate of the Air Command Staff College, Air War College, National Defense University, Industrial College of the Armed Forces, Defense Intelligence School, United Kingdom School of Service Intelligence, the Federal Emergency Management Institute and the Foreign Service Institute. He also holds a Masters Degree in Public Administration from George Washington University in Washington, D.C. and a B.A. from California State University, Fresno.

Major General Ronald H. Markarian has been an active member in the Republican Party and several military associations including the Air Force Association, California State

Military Reserve Officers Association, Civil Air Patrol and the National Guard Association of California. He has served as the regional president and is a member of the National Council of Trustees for the Association of the U.S. Army and a past national president of the National Sojourners. His local community involvement have included membership in the American National Red Cross, the California Emergency Services Association and the Fresno County Chambers of Commerce.

Major General Ronald H. Markarian's dedicated service to his community, the State of California and the United States Air Force are an example of a life devoted to duty, honor and country. He has been an important voice for veterans and has provided profound insight and guidance on important veteran issues. General Markarian's service and expertise has been very influential in providing sound advice to the Governor and Legislature of California.

Mr. Speaker, I wish to pay tribute to Major General Ronald H. Markarian for his service to the California Veterans Board and the California Department of Veterans Affairs. I ask my colleagues to join me in wishing General Markarian many more years of success.

A TRIBUTE TO LARRY DOBY

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to pay tribute to a real American hero. In 1947, Larry Doby became the first black man to play in the American League, and the second African-American to cross the color barrier in professional baseball. For young people today, it's probably hard to imagine a time when the color of your skin could keep you from fulfilling your dream of playing professional baseball. But for Larry Doby, pursuing that dream in Jim Crow America meant breaking down age-old barriers and changing the face of baseball.

A native of Paterson, New Jersey, Larry Doby began his baseball career in 1942 with the Negro American League's Newark Eagles. When World War II broke out, Doby joined the armed forces and fought for this country. He returned in 1946 to lead the Newark Eagles to the Negro World Championship. In 1947, one year later, he became the second African-American to cross the color barrier in professional baseball when he signed with the Cleveland Indians.

Larry Doby's first lonely steps into the Cleveland Indian locker room required a courage and bravery beyond what most of us will encounter in a lifetime. Doby stood fast and determined amidst the cold and quiet stares, the spitting fans and the bigoted ball players who spiked him with their cleats. It was the "Strength from God" that helped him stand tall and show the world what a great baseball talent he really was.

Eventually, the world could no longer ignore the rare athleticism and strength of character that Doby possessed. In 1948, fans and ball players alike celebrated Doby's World Series-clinching home run with an outpouring of genuine affection, praise, and respect. "It had to be done from the inside," Doby remembered. "It had to be done without thinking about the color of a person's skin."

Over the course of his career, Larry Doby hit 253 home runs and 969 RBI's, amassing a career batting average of .283. He was a seven-time All-Star outfielder, who was also the first nonwhite person to play in a World Series, hit a home run in a World Series, and win a league home run title. For this and for his heroism, Larry Doby won his place in the Professional Baseball Hall of Fame.

Mr. Speaker, Larry Doby's accomplishments are an inspiration to us all. He gave us faith that the human spirit can triumph over life's most imposing obstacles. His legacy will forever live in the faces of the young boys and girls who dream of becoming a professional athlete or of achieving, in some other way, their own special place in history.

PERSONAL EXPLANATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. BILIRAKIS. Mr. Speaker, on July 20, 1998, I requested and was granted a leave of absence from the House of Representatives due to personal illness. Consequently, I missed the roll call vote on H. Con. Res. 301, which reaffirms our longstanding commitment to Taiwan. Had I been present, I would have voted in favor of H. Con. Res. 301.

Taiwan has been one of our oldest and closest friends in Asia since 1949. The people of Taiwan live in a free, democratic society.

I was extremely disappointed by President Clinton's recent endorsement of mainland China's views on Taiwan. Before the President left for China, the House unanimously passed H. Con. 270, urging him to seek a public renunciation by the People's Republic of China of any use of force, or threat of use of force, against Taiwan.

In light of the President's actions, Congress must send a strong message to the People's Republic of China and the world that we intend to stand by our friends and allies. The United States must dispel any notion on the part of China's leaders that we will tolerate the use of force in determining the future of Taiwan. The people of Taiwan must be responsible for determining their own future in a peaceful and democratic fashion.

H. Con. Res. 301 reaffirms the importance of the Taiwan Relations Act and reaffirms our commitment to the people of Taiwan.

FEDERAL RETIREMENT COVERAGE CORRECTIONS ACT

SPEECH OF

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 1998

Mr. ARCHER. Mr. Speaker, I rise in support of H.R. 3249, the "Federal Retirement Coverage Corrections Act". H.R. 3249 seeks to correct errors in the retirement plan classifications of thousands of Federal workers. Without H.R. 3249, these unfortunately misclassified Federal employees may lose their retirement benefits through no fault of their own. I support prompt passage of H.R. 3249.

Since H.R. 3249 involves issues related to the retirement benefits of Federal employees, it was initially considered by my colleagues on the Committee on Government Reform and Oversight. That Committee approved the bill with strong bipartisan support.

The Committee on Ways and Means, considered H.R. 3249 because it raised issues relating to taxation and social security. The Ways and Means Committee also approved H.R. 3249 with bipartisan support on March 5, 1998, and filed its report today (H. Rept. 105–625, Part 2).

The revenue provisions approved by the Ways and Means Committee, would provide that: (1) retirement plans would not lose their "qualified" Federal tax status by making the corrections required by H.R. 3249, (2) participants whose retirement accounts were adjusted in accordance with H.R. 3249 would not incur Federal income tax liability, and (3) amounts transferred in accordance with H.R. 3249 would not be subject to employment taxes.

The Social Security provisions approved by the Committee would provide that: (1) retroactive earnings would be credited and the Social Security Trust Funds would be made whole in situations where individuals change to one of the retirement systems that provides Social Security coverage, (2) necessary conforming changes would be made to the coverage provisions of the Social Security Act, and (3) the Commissioner of Social Security would have the authority to receive necessary information from agencies, notify the Secretary of the Treasury to transfer taxes paid as a result of elections under H.R. 3249 to the Social Security Trust Funds, and to correct earnings records.

To allow the misclassified Federal employees to receive their much deserved retirement benefits, I support the prompt approval of H.R. 3249.

TRIBUTE TO JIM AND KRISTIE DOCHEFF

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to congratulate two of my constituents, Jim and Kristie Docheff, for their environmental stewardship. Jim and Kristie, along with their children, Chisum, Joshua and Meghann own and operate the Diamond D Dairy in Weld County, Colorado. The Docheff's turn their cattle's manure into valuable, organic compost which they sell to gardeners and vegetable growers across Colorado. They discovered this innovative waste management strategy quite by accident when they were unable to have their manure hauled away for fertilizer as they would normally do.

Piled up during a wet spring, ammonia and bacteria diligently heated and transformed the accumulated manure. The heat sterilizes pathogens and kills plant seeds to eventually produce a fine, dry compost with the consistency and smell of rich earth.

Rather than paying thousands of dollars annually to have farmers remove the waste to spread on their fields, the Docheff's now spread the waste into long windows, which they periodically turn with a newly purchased tractor and compost turner. Depending upon the season, the process takes between six weeks and four months.

During recent months controversy has surrounded animal feeding operations. The EPA has stringent regulatory guidelines for certain concentrated animal feeding operations, Or (CAFOs). Environmental groups are leading the charge for more federal involvement and tougher regulations on agriculture run-off. But, as the Docheff's have demonstrated, a little initiative can do more than a lot of regulation.

Their innovation, ingenuity and hard work has turned what many perceive as an environmental problem into a valuable product and a thriving new business. Mr. Speaker, I applaud Jim and Kristie Docheff for their efforts and I am happy to say that many other dairies and producers are following their good example. I commend the efforts of National Hog Farms, Longmont Foods, and Morning Fresh Farms, and many others to continue providing services of tremendous value to Colorado while promoting environmental stewardship through voluntary, market-based measures.

A TRIBUTE TO JOHN M. FISHER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. CUNNINGHAM. Mr. Speaker, one of the most rewarding aspects of my career on Capitol Hill has been serving as the Administrative Co-Chairman of the bipartisan National Security Caucus (NSC). The Caucus includes 275 lawmakers and it is the largest Congressional Member Organization. The NSC focuses on a wide range of foreign policy, defense and international economic issues and it is through the Caucus that I have come to know John M. Fisher.

He is the Chairman of the American Security Council and the National Security Caucus Foundation and he is being honored today at a luncheon at the Heritage Foundation. John Fisher has long been a leader in the national security community and he has spent a lifetime pursuing the principles of peace through strength.

It is thanks to the tremendous yeoman labor of John Fisher that the United States was not stuck in a posture of strategic vulnerability in the 1970s. In 1978, he helped organize the National Security Caucus, a bipartisan alliance of Members of Congress who agreed on a resolution listing the principles of a national strategy of peace through strength.

In 1984, the American Security Council worked with experts, 240 Members of Congress, 96 national organizations and 514 universities and colleges in preparing the study "A Strategy for Peace Through Strength," and over 400,000 copies of this study were distributed across the nation. President Reagan declared one week in September 1984 as "Peace Through Strength Week." A documentary film was created and shown by 187 television stations nationwide, and more than 50 rallies were held across the U.S.

Our national security policy has always involved military and economic considerations, but now it must also reflect a world integrated by telecommunications and trade. At John's urging, my colleagues in the National Security Caucus are now working on a new strategy for global peace and prosperity.

The military balance was restored in the 1980s and John Fisher is entitled to significant credit. His predictions of Peace Through Strength have come true. The Russians saw the strategic and conventional modernization program as a sign the U.S. was prepared to use its technological superiority to trump their military power, their one claim to superpower status.

The American Security Council, under John Fisher's guidance, led the fight against the nuclear freeze, for INF deployment and the Reagan Doctrine, which put American arms and money behind a worldwide anti-communist guerrilla campaign on three continents. The combination of INF, SDI, the Reagan Doctrine, and the defense build-up made it clear to the Marxist/Leninists that they were facing a future they could only lose.

The 1970's have been called the Decade of Disarmament, and from 1975 to 1980 an independent nation fell to communism every year. A great deal of credit must be given to leaders like John Fisher who finally convinced Jimmy Carter to raise the defense budget to help arm the Mujaheddin in Afghanistan, place an embargo on Soviet grain, and cutting off aid to the Sandinistas. The peace through strength policies advocated by John Fisher and adopted by Ronald Reagan and George Bush helped to create the stability we know today.

George Washington once said "To have peace, prepare for war." These words from our first Commander-in-Chief are engraved at the American Security Council's Congressional Conference Center. They are as applicable today as they were 200 years ago. John Fisher believes in these words and has spent his lifetime devoted to the maintenance of peace and freedom for the American people.

TRIBUTE TO GEORGE A. MANESS FOR HIS SERVICE TO THE CALIFORNIA VETERANS BOARD

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to George A. Maness for his dedicated service to the California Veterans Board. The seven-member Board advises the Governor, Legislature and Department of Veterans Affairs on veterans issues.

George A. Maness retired in 1982 after 23 years as a teacher, R.O.T.C. instructor and administrator with the Tulare Joint Union High School District. He served as a noncommissioned officer in the United States Air Force from 1950 to 1958; both in active and reserve duty. Mr. Maness obtained a bachelor's degree in 1958 from Western State College in Colorado and a master's degree in 1976 from Clayton University in Missouri.

George Maness is a member of several professional and community organizations, including the American Legion, AMVets, the Air Force Sergeants Association, Lions Club, Elks Club and Salvation Army Advisory Board.

Mr. Maness is a dedicated member of the Republican Party and was the Co-chairman of Veterans for Pete Wilson campaign for Governor of California. He also served as Co-chairman for California Veterans for Bush-Quayle in 1992.

George Maness was re-appointed to the California Veterans Board in 1994 by Governor Pete Wilson. Mr. Maness was confirmed by the California State Senate and served until January 1998. The California Veterans Board advises the Governor, Legislator and the California Department of Veterans Affairs. George Maness provided great insight and guidance to the board and was an influential advocate for veterans issues.

Mr. Speaker, I wish to pay tribute to George Maness for his dedicated service to the California Veterans Board and the California Department of Veterans Affairs. I ask my colleagues to join me in wishing George Maness many more years of success.

THE 75TH ANNIVERSARY OF KINGSFORD, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. STUPAK. Mr. Speaker, there is an energetic community in my northern Michigan district that in its own unique way played a role in fulfilling the dream of Henry Ford to produce automobiles that would suit the budgets and lifestyles of ordinary Americans.

Kingsford celebrates its 75th Anniversary on July 31, 1998, its diamond jubilee. Mr. Speaker, this is an excellent opportunity for all Americans to join with the people of Kingsford, who even call their high school football team the "flivvers," to honor and celebrate those early, heady days of the development of wheeled transportation, including the Flivver automobile.

As late as 1920 the population of the area that would become Kingsford was about 40 people, mostly miners working in the nearby Menominee Iron Range. Some mines were still active—would be so until the early 1980s—but the days of the great iron ore boom were clearly in the past, just as the days of the great logging boom were by this time only a memory.

The presence of resources of both ore and wood, however, was attractive to one of America's premier industrial pioneers. Henry Ford had been interested in Michigan's Upper Peninsula as the location of a manufacturing facility for a number of years, and by 1919 the automaker was ready to build a plant.

It was no coincidence that Ford looked at this area along the Menominee River in the south-central U.P. One of the people he enlisted to find a site for his plant was Edward G. Kingsford, the husband of Ford's cousin Minnie Flaherty and both a real estate agent and Ford dealer. Ford's holdings in the region would grow eventually to 400,000 acres of iron and timberlands in seven northern Michigan counties in my district. Of this total, 350,000 acres were hardwood.

As one might surmise from the size and importance of this project, there was much politicking and competition among communities for the plant. Once all the land purchase agreements were completed, the plant was established, employing as many as 8,000 people by 1925 in the production of wooden parts for the famous Ford Model T in Kingsford, Michigan.

Progress in the design of the American automobile adversely affected this plant. Almost as famous as the Model T, the model A went into production using fewer wooden parts, and employment at the Kingsford Ford plant declined. In the early 1940s the production of woodsided station wagons provided work for the northern Michigan site, and by 1942 the KIngsford Ford plant had made the switch to war production, producing gliders that would become so important to Allied victory.

After the war the importance of the Kingsford plant had diminished further, and the facility was closed in 1951. Ford was gone, but an interesting legacy continued. The famous Kingsford-brand charcoal briquets, a by-product of wooden automobile part production, continued to be made in this U.P. community.

As a small city, Mr. Speaker, the population of Kingsford is now about 5,500. Although the community is no longer a part of the Ford family of assembly plants, the transportation revolution wrought by these affordable Ford automobiles on the lives of ordinary Americans meant that tourism would become a new national industry, one that would benefit the Kingsford area. People now can travel from anywhere in the country to visit this area of gently rolling hills with thousands of lakes and hundreds of miles of rivers and streams. Hunting and fishing and the simple enjoyment of the vibrant colors of autumn means that tourism now vies with paper-making as the basic elements of the area's economic well-being.

I am proud of the people of Kingsford and their struggles to survive and even thrive through periods of economic change, and I invite all my colleagues in the U.S. House to join me in paying tribute to this resilient and energetic community.

PERSONAL EXPLANATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. BILIRAKIS. Mr. Speaker, on Monday, July 20, 1998, I requested and was granted a leave of absence from the House of Representatives due to personal illness. Had I been present, I would have voted in favor of adoption of the following amendments during consideration of H.R. 2183, the Bipartisan Campaign Integrity Act:

The Wicker amendment to the Shays amendment in the nature of a substitute, debated on July 14, that prohibits the use of White House meals or accommodations for political fundraising (greed to by a recorded vote of 391 ayes to 4 noes, Roll No. 301);

The Stearns amendment to the Shays amendment in the nature of a substitute, debated on July 14, that prohibits noncitizens from making contributions to candidates for Federal, state, or local elections (agreed to by a recorded vote of 267 ayes to 131 noes, Roll No. 302);

The Smith of Michigan amendment to the Shays amendment in the nature of a substitute, as modified, that establishes a prison term for 10 years and a fine not to exceed $1 million as penalties for violation of the foreign contribution ban (agreed to by a voice vote);

The DeLay amendment to the Shays amendment in the nature of a substitute that expresses the Sense of Congress that Federal law clearly demonstrates that "controlling legal authority" prohibits the use of Federal property to raise campaign funds (agreed to by a recorded vote of 360 ayes to 36 noes, Roll No. 304);

The McInnis amendment to the Shays amendment in the nature of a substitute that prohibits acceptance or solicitation to obtain access to Air Force One, Marine One, Air Force Two, Marine Two, the White House or the Vice President's residence and institutes a fine or imprisonment for violation for up to one year (agreed to by a recorded vote of 391 ayes to 7 noes, Roll No. 305);

The Hefley amendment to the Shays amendment in the nature of a substitute that requires the national parties to reimburse the Federal government for the use of Air Force One for political fundraising (agreed to by a recorded vote of 222 ayes to 177 noes, Roll No. 307);

The Northup amendment to the Shays amendment in the nature of a substitute that prohibits campaign from providing currency to individuals for the purpose of encouraging turnout on the date of election (agreed to by a recorded vote of 284 ayes to 114 noes, Roll No. 308);

The Snowbarger amendment that establishes mandatory imprisonment for not fewer than 1 year and not more than 10 years for criminal conduct (agreed to by a voice vote); and

The Whitfield amendment that bans the coordination of soft money for issue advocacy by presidential candidates receiving public financing (agreed to by a voice vote).

NATIONAL RIGHT TO WORK BILL

SPEECH OF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. WELDON of Florida. Mr. Speaker, I rise in full support for H.R. 59, the National Right to Work Act.

I am from a Right to Work State and I know first-hand that employee freedom and prosperity go hand in hand.

Figures from the U.S. Bureau of Labor Statistics show that workers in forced union dues States are losing thousands of jobs as well as their freedom.

Just listen to the advantage that Right to Work States have had over forced union dues states between 1997–1996:

Non-agricultural employees in Right to Work States have increased by nearly 70% while the increase in forced union states was 35%.

Manufacturing employment in Right to Work States have increased by almost 15% while there was nearly a 15% decrease in forced union states.

Construction employment in Right to Work States increased by almost 50%, nearly 15% higher than in forced union dues States.

Manufacturing production workers in Right to Work States increased by almost 10%, while decreasing by 20% in forced union dues States.

Manufacturing establishments in Right to Work States increased by 20%, while decreasing by .3% in forced union States.

Personal income in Right to Work States has increased by 405%, 82% higher than in forced union dues States.

Hourly earnings by manufacturing employees in Right to Work States have increased by 135%, 13% higher than forced union dues States.

The average weekly earnings of manufacturing production workers in Right to Work States have increased by 145%,15% higher than in forced union dues States.

Mr. Speaker what do these numbers translate into Jobs. Between 1983 and 1993, Right to Work States created over 500,000 jobs, while forced union states lost almost 900,000.

Mr. Speaker, not only are residents of forced-unionism States paying in lost jobs, they are also paying for the cost of compulsory unionism out of their wallets.

Invariably, compulsory unionism leads to union official-inspired strikes, slowdowns, inefficient work rules, featherbedding, and a "hate-the-boss" mentality which substantially increase the cost of goods, services, and state and local taxes.

The result is the "Right to Work boon." The average urban family living in a Right to Work state has an after-tax, cost of living-adjusted household income of $36,540—$2,852 more than a family in a forced-unionism State.

As said by former United States Senator Sam Ervin in his autobiography Preserving the Constitution, "Right to Work laws remove the motive of the union to subordinate the interests of the employees to its wish, and, thus, leave it free to conduct negotiations for the sole purpose of obtaining an employment contract advantageous to the employees."

CONCLUSION

Right to Work States offer an economic environment free from much of the Big Labor's imposed "featherbedding," and work rules which reduce the value of employees' wages by driving up production costs. Ultimately, this only serves to reduce the number of jobs in their state.

Mr. Speaker, no one should be forced to join a labor union as a condition of employment, and every American should be given the

same economic opportunities shared by most employees in 21 states.

I urge you to schedule a roll-call vote on H.R. 59, the National Right to Work Act.

NATIONAL RIGHT TO WORK BILL

SPEECH OF

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like to thank the gentleman for yielding, and I would also like to thank him for his commitment and hard work on this issue.

Mr. Speaker, I have personally received hundreds of petitions from constituents urging a roll-call vote on H.R. 59, and I am proud to be able to speak here tonight in defense of those constituents.

I certainly agree with the gentleman from Virginia. H.R. 59 is about individual liberty.

Members, particularly from the other side of the aisle, and the union officials down the street in their fortress they call the "Marble House", built by forced dues, like to purport that the National Right to Work Act is an attempt to silence workers. To the contrary, Mr. Speaker, the National Right to Work Act is about giving workers a voice.

As the gentleman from Virginia stated, this bill does not add one single word to federal law. It simply amends the National Labor Relations Act and Railway Labor Act by striking the forced-dues provisions from federal law. That is it.

The National Right to Work Act would leave the following language completely intact: "Employees shall have the right to self-organization, to form, join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purposes of collective bargaining or other mutual aid or protection and shall have the right to refrain from any or all such activity".

Mr. Speaker that is where the Right to Work Act would put the period. I want to make it clear, the National Right to Work Act maintains employees' rights to join or assist a labor organization. The National Right to Work Act maintains employees' rights to bargain collectively through representatives of their own choosing.

What the National Right to Work Act removes is the following four lines and its supporting lines. "Except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment."

That is what opponents of the National Right to Work Act object to, Mr. Speaker. Eliminating the right currently held by union officials to force workers to pay union dues as a condition of employment.

Opponents of this bill object to allowing individual workers the right to decide for themselves whether or not they wish to join or pay dues to a labor union.

Mr. Speaker, what opponents of this bill object to is taking away the power union officials currently have to tell America's workers to either pay up or get fired.

Mr. Speaker, why are opponents of this bill afraid to give a voice to workers? It is because union officials know that their agenda is different than their workers.

As President Clinton's former Labor Secretary said: "In order to maintain themselves, they have to hold their members to the mast, hold their feet to the fire."

The Right to Work principle affirms the right of all Americans to work where they want and for whom they want without coercion of any kind to join or not join or financially support labor unions.

Mr. Speaker, One of America's great founding fathers, and U.S. President, Thomas Jefferson, once wrote: "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

Mr. Speaker, today millions of Americans are being forced to contribute money for the propagation of opinions that they do not believe in.

It is time to have a vote on the National Right to Work Act. It is time to let the American people know if their Representatives support individual liberty or compulsion.

SUBCHAPTER S REVISION ACT OF 1998

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. SHAW. Mr. Speaker, today over 2 million businesses pay taxes as S corporations and the vast majority of these are small businesses. The S Corporation Revision Act of 1998 is targeted to these small business by improving their access to capital, preserving family-owned businesses, and lifting obsolete and burdensome restrictions that unnecessarily impede their growth. It will permit them to grow and compete in the next century.

Even after the relief provided in 1996, S corporations face substantial obstacles and limitations not imposed on other forms of entities. The rules governing S corporations need to be modernized to bring them more on par with partnerships and C corporations. For instance, S corporations are unable to attract the senior equity capital needed for their survival and growth. This bill would remove this obsolete prohibition and also provide that S corporations can attract needed financing through convertible debt.

Additionally, the bill helps preserve family-owned businesses by counting all family members as one shareholder for purposes of S corporation eligibility. Under current law, multigenerational family businesses are threatened by the 75 shareholder limit which counts each family member as one shareholder. Also, nonresident aliens would be permitted to be shareholders under rules like those now applicable to partnerships. The bill would eradicate other outmoded provisions, many of which were enacted in 1958.

The following is a detailed discussion of the bill's provisions.

TITLE I—SUBCHAPTER S EXPANSION

SUBTITLE A—ELIGIBLE SHAREHOLDERS OF AN S CORPORATION

SEC. 101. Members of family treated as one shareholder—All family members within seven generations who own stock could elect to be treated as one shareholder. The election would be made available to only one family per corporation, must be made with the consent of all shareholders of the corporation and would remain in effect until terminated. This provision is intended to keep S corporations within families that might span several generations.

SEC. 102. Nonresident aliens—This section would provide the opportunity for aliens to invest in domestic S corporations and S corporations to operate abroad with a foreign shareholder by allowing nonresident aliens (individuals only) to own S corporation stock. Any effectively-connected U.S. income allocable to the nonresident alien would be subject to the withholding rules that currently apply to foreign partners in a partnership.

SUBTITLE B—QUALIFICATION AND ELIGIBILITY REQUIREMENTS OF S CORPORATIONS

SEC. 111. Issuance of preferred stock permitted—An S corporation would be allowed to issue either convertible or plain vanilla preferred stock. Holders of preferred stock would not be treated as shareholders; thus, ineligible shareholders like corporations or partnerships could own preferred stock interests in S corporations. A payment to owners of the preferred stock would be deemed an expense rather than a dividend by the S corporation and would be taxed as ordinary income to the shareholder. Subchapter S corporations would receive the same recapitalization treatment as family-owned C corporations. This provision would afford S corporations and their shareholders badly needed access to senior equity.

SEC. 112. Safe harbor expanded to include convertible debt—An S corporation is not considered to have more than one class of stock if outstanding debt obligations to shareholders meet the "straight debt" safe harbor. Currently, the safe harbor provides that straight debt cannot be convertible into stock. The legislation would permit a convertibility provision so long as that provision is substantially the same as one that could have been obtained by a person not related to the S corporation or S corporation shareholders.

SEC. 113. Repeal of excessive passive investment income as a termination event.—This provision would repeal the current rule that terminates S corporation status for certain corporations that have both subchapter C earnings and profits and that derive more than 25 percent of their gross receipts from passive sources for three consecutive years.

SEC. 114. Repeal passive income capital gain category—The legislation would retain the rule that imposes a tax on those corporations possessing excess net passive investment income, but, to conform to the general treatment of capital gains, it would exclude capital gains from classification as passive income. Thus, such capital gains would be subject to a maximum 20 percent rate at the shareholder level in keeping with the 1997 tax law change. Excluding capital gains also paralles their treatment under the PHC rules.

SEC. 115. Allowance of charitable contributions of inventory and scientific property—This provision would allow the same deduction for charitable contributions of inventory and scientific property used to care for

the ill, needy or infants for subchapter S as for subchapter C corporations. In addition, S corporations would no longer be disqualified from making "qualified research contributions" (charitable contributions of inventory property to educational institutions or scientific research organizations) for use in research or experimentation. The S corporation's shareholders would also be permitted to increase the basis of their stock by the excess of deductions for charitable contributions over the basis of the property contributed by the S corporation.

SEC. 116. C corporation rules to apply for fringe benefit purposes—The current rule that limits the ability of "more-than-two-percent" S corporation shareholder-employees to exclude certain fringe benefits from wages would be repealed for benefits other than health insurance. Under this bill, fringe benefits such as group-term life insurance would become excludable from wages for these shareholders. However, health care benefits would remain taxable to the extent provided for partners.

SUBTITLE C—TAXATION OF S CORPORATION SHAREHOLDERS

SEC. 120. Treatment of losses to shareholders—A loss recognized by a shareholder in complete liquidation of an S corporation would be treated as an ordinary loss to the extent the shareholder's adjusted basis in the S corporation stock is attributable to ordinary income that was recognized as a result of the liquidation. Suspended passive activity losses from C corporation years would be allowed as deductions when and to the extent they would be allowed to C corporations.

SUBTITLE D—EFFECTIVE DATE

SEC. 130. Effective date—Except as otherwise provided, the amendments made by this Act shall apply to taxable years beginning after December 31, 1998.

TITLE II—SENSE OF THE HOUSE OF REPRESENTATIVES RESOLUTION

SEC. 201. The House would go on record in opposition to the President's Fiscal Year 1999 budget proposal to treat the conversion of "large" C corporations to S corporations as taxable liquidations, for this would be harmful to the business community and would effectively prohibit many businesses from making S elections in the future.

PERSONAL EXPLANATION

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. RIGGS. Mr. Speaker, I was absent from the House of Representatives on Monday, July 20, 1998, pursuant to a leave of absence. During my absence, I missed a number of votes.

Had I been present, the following is how I would have voted:

Rollcall No. 297 (H.R. 3874): "Aye."

Rollcall No. 298 (H. Con. Res. 208): "Aye."

Rollcall No. 299 (H. Res. 392): "Aye."

Rollcall No. 300 (H. Con Res. 301): "Aye."

Rollcall No. 301 (Wicker amendment): "Aye."

Rollcall No. 302 (Stearns amendment): "Aye."

Rollcall No. 303 (Pickering amendment): "Aye."

Rollcall No. 304 (Delay amendment): "Aye."

Rollcall No. 305 (McInnis amendment): "Aye."

Rollcall No. 306 (Paxon amendment): "Aye."

Rollcall No. 307 (Hefley amendment): "Aye."

Rollcall No. 308 (Northrup amendment): "Aye."

CHILD NUTRITION AND WIC REAUTHORIZATION AMENDMENTS OF 1998

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 1998

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in strong support of H.R. 3874, the Child Nutrition and WIC Reauthorization Bill, which makes changes to the federal child nutrition programs and the Women, Infants, and Children Supplemental Feeding Program, known as WIC.

The WIC program is a key part of our efforts to reduce infant mortality rates and assure that children in this nation are born healthy and are fed a nutritionally sound diet in the early formative years. This is accomplished through the provision of special food packages to approximately 7.5 million low-income women, infants and children each month. In my home state of Hawaii the WIC program serves over 35,000 individuals.

H.R. 3874 makes some important changes to the WIC program by providing more flexibility to States in administering the program and including provisions designed to protect the integrity of the WIC program.

H.R. 3874 continues to encourage the breast-feeding program under WIC and provides additional incentives by allowing WIC agencies to use their nutrition account, rather than administrative account, to purchase breast pumps for breast-feeding women.

I am pleased that it also includes my amendment which is designed to assure that working parents on WIC and their children are able to continue services. The bill includes a new requirement that children participating in WIC be physically present during recertification. WIC participants are required to be recertified every six months.

My amendment included in the bill provides authority to local agencies to waive the physical presence requirement for children of working parents, if the children were present at the initial certification, and if their presence at recertification would be a barrier to participation.

Requiring working mothers to bring in all of their children could pose a severe hardship on the mother and children. It would mean extra transportation time for working mothers, for example a mother with 2 or more children may have to pick up her children at different locations, one at day care the other at school. This may require mothers to take an entire day off of work as opposed to half a day or a couple of hours if they can go by themselves.

The amendment does not exempt all children with working parents from the requirement, but those that have such difficult circumstances that the requirement may actually serve as a barrier to participation in the program, such as a working mother with transportation problems.

Currently about 28% of WIC eligible mothers work during the first two months following the birth of their children, increasing to roughly 30% when the child turned one (Mathematica Research).

The flexibility provided in my amendment will become increasingly important as more and more mothers on welfare (TANF) will be required to work under the 1996 Welfare Law. With 30% of WIC eligible women also receiving welfare the number of working mothers on WIC is likely to increase as a result of the 1996 law. We must assure that these working mothers have every opportunity to continue their jobs and retain WIC eligibility.

I also am pleased that the Committee concurs with my support of the Department of Agriculture's efforts to provide guidelines to local WIC agencies regarding cultural and ethnic foods. This support was expressed in the Committee Report. Participation in WIC can be greatly enhanced by the use of appropriate cultural foods. I know in Hawaii we have many nutritious foods that are a part of our local diet which are not included in the WIC food package such as tofu and poi. These guidelines will make it easier for our State WIC agency to incorporate such foods into the WIC package.

The Committee also included language in its report which I suggested on the coordination of WIC blood work requirements with the other periodicity schedules such as those by the American Academy of Pediatrics and the Centers for Disease Control. Conforming with these schedules will help to improve enrollment, recertification and testing efficiencies in the WIC program.

On the child nutrition programs also included in this bill, I strongly support the expansion of the after-school nutrition programs through the Child and Adult Care Food program and raising the age limit for children eligible for the after-school snacks and meals from 12 to 18.

Provisions in this bill will also help streamline the administrative process for schools who serve after-school meals under the Child and Adult Care Food program. This will make it easier for schools to apply for the after-school funds.

The bill makes an important change in the Summer Food Program that will raise reimbursement rates for Hawaii, Alaska and the Territories. All other child nutrition programs allow the Department of Agriculture to increase the reimbursement rate for these States and Territories to account for the higher cost of food. However, the Summer Food program had no such authority. I am pleased that this bill will allow the increase in reimbursement rates to more accurately reflect the cost of food in my State.

Finally, Mr. Speaker, H.R. 3974 includes a provision that is very critical to my home State of Hawaii and the farmers who are struggling under our current economy. H.R. 3974 includes an amendment I offered at subcommittee which makes changes to the "Buy American" provision to assure that Hawaii

would be required to buy American products if they are made in Hawaii.

Under current law, Hawaii has been exempt from the requirement that only U.S. products be used in the school lunch and breakfast program, except that Hawaii schools are required to purchase U.S. (Hawaii) grown pineapples. The amendment I included in H.R. 3874 revises this provision to require Hawaii to buy American where food products are produced in Hawaii in quantities sufficient to serve the Hawaii school lunch and breakfast program.

This provision will assure that the Hawaii school lunch program purchases such food products as bananas, pineapples and papayas that are grown here in Hawaii, but still has the flexibility to purchase other foods made outside of the U.S. if necessary. Federal programs should support our local economy. What better way to help Hawaii agriculture than to assure that our school lunch and breakfast programs purchase local grown food. The children will be getting better quality foods that are produced in their own state.

Mr. Speaker, H.R. 3874 will ensure that our important child nutrition programs continue, that they are more efficient, and that more children and families are served by these important programs. I urge the passage of this bill.

TRIBUTE TO JIRAIR S. HOVNANIAN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my constituent, Jirair S. (Jerry) Hovnanian, President of J. S. Hovnanian & Sons, Inc. as he celebrates 50 years in this great nation.

Arriving in the United States in 1948 to attend the University of Pennsylvania's Wharton School, from which he graduated with a Bachelor of Science Degree in Business Administration, he was then, and continues to be, a creative and inspirational individual who is widely respected, personally and professionally.

As Past President of the Home Builders League of South Jersey and a Life Director of the National Association of Home Builders, he was instrumental in the Uniform Building Code and the Municipal Land Use Law being enacted.

Jerry pioneered the concept of using state pension funds for home mortgages to maintain a healthy economy in our home state.

In recognition of his dedication and hard work on behalf of the housing industry, Mr. Hovnanian has received such coveted awards as the New Jersey Builders Association's "Builder of the Year Award," and is a member of the Hall of Fame.

His civic activities include the Presidency and Chairmanship of the Burlington County United Way, charter membership in the Mount Laurel Rotary, Executive Board Membership of the Boy Scouts of Burlington County, Founder of the Armenian Sisters Academy, a Montessori private school, and Jerry serves as Arch Deacon of St. Gregory's Armenian Church in Philadelphia.

A "golden" anniversary is an accomplishment to be celebrated, and I congratulate Mr. Hovnanian on his fifty years in the United States of America.

TRIBUTE TO THE SUN VALLEY CHAMBER OF COMMERCE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the Sun Valley Chamber of Commerce, which is celebrating its 73rd year by gathering materials for a time capsule. I have been proud to represent Sun Valley for many years, and I am honored that the Chamber has asked me to contribute this Congressional Insert to the capsule.

It is only fitting that the Sun Valley Chamber of Commerce, one of the most historic organizations in the San Fernando Valley, is assembling a time capsule. The Chamber was formed in 1925 as the Roscoe Chamber of Commerce. One of the charter members was A. Louis Forsch, whose grandson, Gary, is still active in the Chamber today.

The Chamber shut down during the Depression and World War II, reopening in 1946. Within just a few years the Chamber was sponsoring parades, picnics and campaigns to beautify the community. In 1949, the Chamber spearheaded a successful drive to change the name of the area from Roscoe to Sun Valley. Three years later, Mrs. Florence Shea became the President of the Sun Valley Chamber of Commerce. According to the Chamber, Mrs. Shea was the first female president of any chamber in the United States.

Today the Chamber is a dynamic force in the San Fernando Valley. Along with providing essential help to local businesses and working closely with service agencies and government, the Chamber in recent years has been the driving force behind the huge and successful July 4 celebration at Hansen Dam.

I ask my colleagues to join me in saluting the Sun Valley Chamber of Commerce, which is doing its part to ensure that the history of the San Fernando Valley will be available to future generations. I only wish I could be around to witness the unveiling of the time capsule.

TRIBUTE TO JUDGE L.T. SIMES, II

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a wonderful man. The kind of man that made this country the great nation it is today. I honor L.T. Simes, II as he should be honored. Judge Simes is one of those pillars of the community that, works hard every day, plays by the rules and does whatever is necessary to make this community successful. Judge Simes is the first African-American to serve as Chairman of the Arkansas Soil and Water Commission. He is also owner of the first African-American owned and operated radio station in eastern Arkansas. Judge Simes is also the first African American Circuit Judge from Phillips County, Arkansas. It is his tireless work for the community and the fifteen years he has spent with the radio station encouraging young people, for which we take time today to say thank you. We all hope that his example of high standards and good conduct will be followed by the generations to come. His sense of fairness and honesty is exceeded only by his great, good humor. Let us today pay tribute to a friend, role model, community leader, father, and Christian whose standard we should all follow.

CALLING FOR THE INDICTMENT OF SLOBODAN MILOSEVIC

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. SMITH of New Jersey. Mr. Speaker, I am introducing today a resolution which states our belief that the Yugoslav President Slobodan Milosevic is responsible for war crimes, crimes against humanity and genocide. The resolution also calls for action by our government—especially in providing information—that could lead to the indictment of Milosevic for these crimes by the International Criminal Tribunal in The Hague.

Those who have followed the course of Yugoslavia's violent disintegration know well how Slobodan Milosevic has stirred conflict in order to achieve, strengthen and maintain power during the early 1990s, the very years when all Europeans should have had the chance to celebrate newfound unity and freedom with the end of the Cold War and Communism's collapse. Threatened by democratic change, Milosevic played upon Serb grievance—some legitimate and some not—to encourage Serbs throughout former Yugoslavia to rally behind him and establish a "Greater Serbia." He engaged in massive propaganda campaigns, spurring Serbs to hate Croats, Bosniacs and Albanians, or at least to view these neighboring peoples as threats. He put thugs into positions of power, ensuring support for his rule and a willingness to engage in the repression and ethnic cleansing. He supplied militants with heavy weaponry with which to bombard cities, towns, and villages throughout the region.

In testimony before the Helsinki Commission, which I co-chair with the primary Senate sponsor of this resolution, ALFONSE D'AMATO, many expert witnesses have testified to the deliberate nature of the attack on civilians in Croatia and in Bosnia. Mosques, hospitals, cultural institutions and even schools were specifically targeted for destruction. Intellectuals were targeted for incarceration and even execution. Women were targeted for the agony of being raped. Witnesses also told us of the systematic nature of the policy of ethnic cleansing. From valley to valley, region to region, the implementation of ethnic cleansing was so consistent that one can only conclude that it was directed and orchestrated by the political leaders.

There is only one person in such a position of power that he could have unleashed such devastation in Yugoslavia—Slobodan Milosevic. I believe that he is every bit as guilty of war crimes as the concentration camp guards, the snipers, and the rapists.

And now, Mr. Speaker, there is a new conflict in the former Yugoslavia, one in which Milosevic is again directly involved. In Kosovo, after years of repression of the largely Albanian population by Serbian authorities, there is now open conflict. With this conflict, innocent civilians are being killed, there are reports of detention centers, of rapes and the destruction of whole villages that indicate, at minimum, the open tolerance of such abuses by those in power in Belgrade, including Milosevic, if not the direction of such abuses. Last week we also received information indicating that distribution of basic food and humanitarian supplies has been hindered by Yugoslav and Serb officials. Mr. Speaker, using food as a weapon of war or intimidation can not be tolerated.

Of course, Mr. Milosevic remains in Belgrade, away from the scene of the crimes, and he denies association with those committing these crimes. He is a liar. In fact, he denied to me directly what I saw with my own eyes to be happening during the siege of Vukovar in Croatia. Unfortunately, he has escaped responsibility for the crimes by projecting himself as the "peacemaker", the one we supposedly need to achieve the Dayton Agreement which ended the Bosnian conflict, and the one with whom the Kosovar Albanians are being told to join at a negotiation table for dialogue. How many senior Administration officials have traveled repeatedly to Belgrade in order to cajole Milosevic to do this or to do that? He seems to be able to unravel progress if he wants. Does not our reliance on him as "peacemaker" help him maintain power at the expense of a democratic Serbia? Mr. Speaker, we can not overlook the criminal responsibility of a person like Milosevic, even when we find ourselves dependent on that person to implement policies the United States has set.

The resolution we are introducing does not address questions of United States policy towards Serbia; we plainly and simply call for justice. Mr. Speaker, I believe that indicating Milosevic is not only good justice; it is good policy. As long as Milosevic is in power in Belgrade and there is no democracy in Serbia, the Balkans will remain unstable. As long as we deal with Milosevic, we perpetuate his power.

I hope, Mr. Speaker, that this resolution will find broad, bipartisan support. I am pleased that I am joined by my colleagues Mr. HOYER, Mr. ROHRABACHER, Mr. ENGEL, Mr. KING, Mr. OLVER and Mr. MCGOVERN as original cosponsors. Who can argue against providing information that could lead to the indictment of a person who may have committed war crimes? Who can argue against supporting the tribunal which can bring needed justice to South-Central Europe? That is what this resolution does, and the measure deserves quick and positive action by the House.

TO HONOR DR. SCOT D. FOSTER, PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Ms. LEE. Mr. Speaker, with gratitude, I rise today to pay tribute to a remarkable constituent of California's Ninth Congressional District, Dr. Scot D. Foster, the outgoing national President of the American Association of Nurse Anesthetists (AANA). In my opinion, it is appropriate at this time to recognize the outstanding career of this distinguished individual.

Founded in 1931, the AANA represents over 27,000 certified registered nurse anesthetists, or CRNAs, across the country who provide over 65% of the anesthesia in the United States each year. They work in every setting in which anesthesia is delivered, and for all types of surgical cases including hospital surgical suites, obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

As president, Dr. Foster was responsible for charting the policy and direction of the association from 1997–1998. Throughout his involvement with AANA, Dr. Foster has also held a variety of leadership positions prior to being elected President, including Treasurer and Vice President of the AANA.

A learned scholar and expert in his field, Dr. Foster began his studies at the University of Kansas, receiving a Bachelor of Arts degree in 1972, a Bachelor of Science in Nursing in 1974, and a CRNA certificate in 1976. He attained a Master of Arts degree in Educational Administration in 1977, a PhD in Higher Education in 1984, and a Masters of Science in Nursing in 1994.

Dr. Foster currently is a Professor of Nursing at Samuel Merritt College in Oakland, California and is a former Associate Clinical Professor in the Department of Anesthesiology at the UCLA School of Medicine in Los Angles, California. Dr. Foster is widely published and speaks often before professional groups and societies, which has earned him the esteem and respect of his peers and others in all professions.

Mr. Speaker, I ask my colleagues to join with me in recognizing Dr. Foster for his notable career and outstanding achievements. Congratulations, Dr. Foster, on a job well done.

RESTORING SALMON ON THE ELWHA RIVER

HON. RICK WHITE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. WHITE. Mr. Speaker, today I am introducing a bill to keep the process of restoring salmon on the Elwha River moving forward. It's important that we have a legislative proposal in the House and it is my hope that this bill will set the stage for negotiations that will lead to an agreement on removing the Elwha dams.

Over the past few years, I've been working with many Members of the House to secure funding for the Elwha River restoration project. I believe that the Elwha River is one place where we can invest our limited dollars and get a wonderful return on our investment. Currently we spend approximately $435 million every year on the Columbia and Snake Rivers and have little to show for it. In the case of the Elwha, a one-time payment of about $100 million will create a pristine river, and perfect salmon habitat, from glacier to salt water.

Since 1995, I have had the pleasure of working with the people of the Port Angeles community, Chairman REGULA, Senator GORTON, Congressman DICKS, and the Administration on this issue. When we started this process in 1995, there wasn't much interest in the Elwha project and Senator GORTON had strong reservations about moving forward.

But as I introduce this bill today, I realize just how much has changed over the past few years. Thanks to the people of the Port Angeles community, who have been the driving force behind this project, as well as my colleagues in Congress, we've made considerable progress in securing some funding for the Elwha project. We started this process in 1996 by getting authorizing language in the fiscal year 1997 Budget Resolution recognizing the environmental benefits of restoring this unique river system. Since we started in 1995 we have been successful in securing $11 million in funding toward dam acquisition.

The legislation I have introduced today is meant to modify the proposal that is being considered in the Senate. Senator GORTON has included language in the fiscal year 1999 Interior Appropriations bill authorizing acquisition of both the Elwha and Glines dams and authorizing removal of both dams subject to the availability of appropriations. In the process, however, Senator GORTON made clear that the uses of the federal hydroelectric facilities on the Columbia and Snake Rivers would not be affected by actions on the Elwha. I agree wholeheartedly with the Senator's intentions.

But Senator GORTON and I haven't always agreed on the details. That is why I am introducing legislation today that is designed to perfect the approach he has taken in the Senate. My legislation will authorize acquisition of both facilities and the removal of the lower Elwha dam, subject to availability of appropriations. My bill also includes an independent scientific review on the benefits of removal prior to removal of the upper dam so that whatever decision we make is based on good, sound science.

I strongly share Senator GORTON's concerns that the actions taken on the Elwha dam set absolutely no precedent on dam removal on the Columbia or Snake River or their tributaries. For that reason, my bill specifically states that dam removal on the Elwha River will not set a precedent on the Columbia or Snake river systems. Finally, my bill provides that no hydroelectric facility can be removed or significantly modified structurally without Congressional approval.

I am very pleased that over the past few months Senator GORTON has indicated a willingness on the Elwha project. As we work out

the final details on the Interior Appropriations bill, I encourage the House Interior Appropriations Subcommittee to look at my legislation as a balanced solution to restoring salmon on the Elwha River.

INTRODUCTION OF THE "WILCOX RANCH WILDLIFE HABITAT ACQUISITION ACT"

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. HANSEN. Mr. Speaker, I would like to introduce to you today the "Wilcox Ranch Wildlife Habitat Acquisition Act". This important piece of legislation, would authorize the Secretary of the Interior to acquire a parcel of land located in eastern Utah, in the Range Creek drainage. I have been involved in many conservation projects throughout Utah and I can say this is one of the most important projects in the State. As I have mentioned, the Wilcox Ranch lies along Range Creek. This stream, which flows into the Green River, is home to many kinds of fish and may qualify as a blue ribbon trout stream. The Wilcox Ranch property provides access to over 75,000 acres of BLM lands and is home to an assortment of wildlife such as: Wild Turkey, Eagles, Hawks, Black Bear, Cougar, Elk, Mule Deer, Bighorn Sheep, and other mammal species.

Not only does this land harbor an abundance of wildlife, it also contains many cultural resources, such as Native American pottery, arrowheads, and rock homes constructed centuries ago.

Because this land controls access to so much public lands and contains a great portion of water rights in the Range Creek drainage, it is vital that we obtain this area for the public and the ecosystem.

DEPOSITION AUTHORITY NEEDED FOR THE TEAMSTERS INVESTIGATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. GOODLING. Mr. Speaker, I rise to introduce a resolution which provides for deposition authority for the Teamsters Investigation.

The Subcommittee on Oversight and Investigations is examining the failed 1996 election of the International Brotherhood of Teamsters (IBT) and related matters, including financial mismanagement at the union and possible manipulation of its pension fund.

Although the investigation has established a good foundation, its progress is increasingly slowed by the obstructionist tactics of the IBT, including the refusal to allow interviews of relevant witnesses. The Subcommittee and the Chairman of the full Committee have been forced to issue subpoenas for documents to fourteen organizations, most of whom refused to voluntarily provide information to the Subcommittee at the direction of the IBT. Subpoenas have also been issued to seven witnesses to secure their testimony at the Subcommittee's public hearings. Furthermore, the IBT has steadfastly refused, on numerous occasions over the last four months, to allow Subcommittee investigators to interview current IBT employees and employees of its actuarial and accounting firms. The IBT has even objected to the Subcommittee interviewing former IBT employees.

To thoroughly and professionally investigate outstanding issues, the investigation needs the authority to have designated staff conduct depositions. There are up to three dozen witnesses whose testimony would substantially further the investigation and who may have to be deposed. Much of this would be lengthy, detailed questioning, which is not possible in a committee hearing. Some of it would also be very technical. Some of the depositions may have to be conducted after Congress adjourns for the year. All of it is needed if the investigation is to continue to make progress.

I want to assure my colleagues that the authority granted through this resolution has safeguards to ensure that it is used appropriately. First, the authority is granted to the Chairman of the Full Committee, and it may be used only in connection with the Teamsters Investigation. Second, information obtained under deposition authority is considered as having been taken in executive session by the Subcommittee. That makes the information confidential and subject to the protocol under which the investigation is being conducted.

Mr. Speaker, the Committee on Education and the Workforce will also adopt rules to ensure proper use of deposition authority. We will provide for bipartisan participation in depositions. The Ranking Minority member will receive three business days written notice before any deposition is taken, and all Members will receive three business days written notice that a deposition has been scheduled. Finally, our proposed committee rules provide for various rights for witnesses, including the right to counsel.

This resolution is well planned and will be implemented with care. Deposition authority is a tool that will enable the Teamsters investigation to unravel the improprieties associated with the 1996 IBT election so they do not recur. It will also help shed light on mismanagement and financial improprieties so that the International Brotherhood of Teamsters can become more responsive to its members.

AFFIRMING UNITED STATES COMMITMENT TO TAIWAN

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 1998

Mr. BERMAN. Mr. Speaker, I rise in support of the resolution introduced by Mr. DELAY affirming the United States commitment to Taiwan. I am pleased to be an original cosponsor of the legislation and I would like to thank Mr. DELAY for his willingness to consider my suggestions for improving the legislation. Mr. DELAY and his staff person, Tim Berry, worked in a cooperative and bipartisan manner to fashion a resolution which I urge all my colleagues to support.

This resolution expresses the United States continued commitment to the people of Taiwan and our interest in ensuring that the future status of Taiwan be resolved by peaceful means. It also affirms our strong support for membership for Taiwan in international financial institutions where appropriate.

In 1994 in response to the profound economic and political changes that had taken place both in China and in Taiwan, the Clinton Administration approved adjustments in our relationship with Taiwan. Among the changes approved were permission for high-level visitors, including cabinet officers; provision for Taiwan's president and premier to transit American territory, and active support for Taiwan's membership in international organizations accepting non-states as members. These were important changes in our policy which were responsive to Taiwan's emergence as a democratic country. Nor were they out of character with past behavior toward Taiwan. As a recent article in the Washington Post by Ambassador Harvey Feldman points out, even after being expelled from the United Nations in 1971, Taiwan remained a member of the World Bank and the International Monetary Fund until 1980.

It is important to note that our policy towards Taiwan has not been immutable. It has changed in response to developments in Taiwan as long as those changes remain consistent with our overall objective of promoting peace in the region. Our relations with Taiwan and our policy has been governed by the Taiwan Relations Act of 1979 (P.L. 96–8), further articulated in three U.S.-China communiques of 1972, 1979, and 1982, and clarified at the request of Taiwan in the so-called "Six Assurances" in 1982. In 1982 the Reagan Administration was asked by Taiwanese officials to accept as guidelines concerning our policy towards Taiwan six points: (1) the United States would not set a date for termination of arms sales to Taiwan; (2) the United States would not alter the terms of the Taiwan Relations Act; (3) the United States would not engage in advance consultations with Beijing before deciding on U.S. weapons transfers to Taiwan; (4) the United States would not serve as mediator between Taiwan and the mainland; (5) the United States would not alter its position regarding sovereignty of Taiwan and we would not pressure Taiwan to engage in negotiations with the mainland, and (6) the United States would not formally recognize China's sovereignty over Taiwan. We accepted those points and they have conditioned our role between Taiwan and China ever since. This resolution, by reaffirming our interests in resolving the status of Taiwan through peaceful means, reinforces our continued adherence to the six assurances of 1982.

It is important that, as we attempt to build a more constructive relationship with China, we not do so at the cost of the people of Taiwan. This resolution makes clear our desire to maintain strong, productive and peaceful relations with both China and Taiwan. In his recent trip to China, President Clinton emphasized this point when he said "a key to Asia's

stability is a peaceful and prosperous relationship with the People's Republic of China and Taiwan." As the President noted, peace and prosperity "has allowed democracy to flourish in Taiwan." I hope that the peace and prosperity which China now enjoys will lead as well to democracy in that great land.

IN HONOR OF CAPTAIN RICHARD WYSSBROD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a courageous man.

As an officer of the Helena Police Department, Capt. Richard Wyssbrod went to work each day to protect the people of Helena, Arkansas. On Tuesday, June 30, Capt. Wyssbrod was responding to a 911 call from a victim of domestic abuse when he was shot and killed.

Capt. Wyssbrod would have celebrated his 12th year with the Helena Police Department on July 1. He began his career with the Marvell Police Department where he served four years before being hired at Helena. He is being remembered as a model police officer by his peers—an honest man who enforced the law with a firm, yet fair, hand. Capt. Wyssbrod worked to establish neighborhood and community watch programs in Helena. He was actively involved in youth programs, speaking to children about the dangers of illegal drugs.

Capt. Wyssbrod will forever be remembered as a law enforcement veteran, but it is fitting that he also be remembered for the life he led when he was off-duty. Capt. Wyssbrod was a loving father and devoted grandfather. He was a kind man who was a friend to an entire town.

Capt. Wyssbrod is the first police officer to be killed in the line of duty in Helena. His name will soon be added to the National Law Enforcement Officers' Memorial here in Washington, D.C., but it is important that we remember our fallen police officers not as names on a wall, but for the lives they led as human beings. As an inscription on the wall states, "It is not how these men died that made them heroes. It is how they lived."

Mr. Speaker, with those words in mind, I ask that we remember Capt. Richard Wyssbrod not only as a police officer from Helena, Arkansas, but as one of America's heroes.

THE PATIENT PRIVACY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. PAUL. Mr. Speaker, I rise to introduce the Patient Privacy Act, which repeals those sections of the Health Insurance Portability and Accountability Act of 1996 authorizing the establishment of a "standard unique health care identifier" for all Americans. This identifier would then be used to create a national database containing the medical history of all Americans. Establishment of such an identifier would allow federal bureaucrats to track every citizen's medical history from cradle to grave. Furthermore, it is possible that every medical professional, hospital, and Health Maintenance Organization (HMO) in the country would be able to access an individual citizens' record simply by entering the patient's identifier into the national database.

As an OB/GYN with more than 30 years experience in private practice, I know better than most the importance of preserving the sanctity of the physician-patient relationship. Oftentimes, effective treatment depends on a patient's ability to place absolute trust in his or her doctor. What will happen to that trust when patients know that any and all information given their doctor will be placed in a data base accessible by anyone who knows the patient's "unique personal identifier?"

I ask my colleagues, how comfortable would you be confiding any emotional problem, or even an embarrassing physical problem like impotence, to your doctor if you knew that this information could be easily accessed by friend, foe, possible employers, coworkers, HMOs, and government agents?

Mr. Speaker, the Clinton administration has even come out in favor of allowing law enforcement officials access to health care information, in complete disregard of the fifth amendment. It is bitterly ironic that the same administration that has proven so inventive at protecting its privacy has so little respect for physician-patient confidentiality.

Many of my colleagues will admit that the American people have good reason to fear a government-mandated health ID card, but they will claim such problems can be "fixed" by additional legislation restricting the use of the identifier and forbidding all but certain designated persons to access those records.

This argument has two flaws. First of all, history has shown that attempts to protect the privacy of information collected by, or at the command, of the government are ineffective at protecting citizens from the prying eyes of government officials. I ask my colleagues to think of the numerous cases of IRS abuses that were brought to our attention in the past few months, the history of abuse of FBI files, and the case of a Medicaid clerk in Maryland who accessed a computerized database and sold patient names to an HMO. These are just some of many examples that show that the only effective way to protect privacy is to forbid the government from assigning a unique number to any citizen.

The second, and most important reason, legislation "protecting" the unique health identifier is insufficient is that the federal government lacks any constitutional authority to force citizens to adopt a universal health identifier, regardless of any attached "privacy protections." Any federal action that oversteps constitutional limitations violates liberty for it ratifies the principle that the federal government, not the Constitution, is the ultimate arbitrator of its own jurisdiction over the people. The only effective protection of the rights of citizens is for Congress and the American people to follow Thomas Jefferson's advice and "bind (the federal government) down with the chains of the Constitution."

For those who claim that the Patient Privacy Act would interfere with the plans to "simplify" and "streamline" the health care system, under the Constitution, the rights of people should never take a backseat to the convenience of the government or politically powerful industries like HMOs.

Mr. Speaker, the federal government has no authority to endanger the privacy of personal medical information by forcing all citizens to adopt a uniform health identifier for use in a national data base. A uniform health ID endangers the constitutional liberties, threatens the doctor-patient relationships, and could allow federal officials access to deeply personal medical information. There can be no justification for risking the rights of private citizens. I therefore urge my colleagues to join me in supporting the Patient Privacy Act.

TRIBUTE TO DR. GENO SACCOMANNO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an individual, who for the past 50 years, has donated his life to the ongoing fight against cancer. Dr. Geno Saccomanno, a cytologist from Grand Junction, CO, is a simple, dedicated man with a personal history that rivals most in accomplishment and commitment. Some of his most notable achievements both professionally and philanthropically, include his groundbreaking and world-renowned cancer research methods, his two popular cytology texts, his scholarship fund for underprivileged high school graduates, his St. Mary's Saccomanno Education Center, and the Catholic school and church that will be built on land he recently donated near his home. As you can see, Dr. Saccomanno is a man who works for the good of all people, in every area of his life.

When Dr. Saccomanno arrived in Grand Junction as a pathologist in 1948, he was the first to pay appropriate attention to the most pressing local cancer issue. As he had noticed in some of his doctoral studies at St. Louis University, Dr. Saccomanno saw correlations between cancer incidence and the coal mines working in Western Colorado and Eastern Utah. His analysis of this issue set the stage for a long life in lung cancer research and diagnosis.

Considered today by colleagues and professionals worldwide as one of the world's foremost pioneers and prophets in lung cancer research, Saccomanno's research techniques are considered a standard in laboratories around the world. His first method of cell separation to detect mutation utilized his wife Ginny's blender and a few simple medical tools. Through the years, his techniques have grown and developed with the aid of technology so much that his research methods are widely praised and world renowned. In fact, the American Cancer Institute is currently attempting to duplicate his processes with a computer.

Dr. Saccomanno has won several well-deserved awards and published a myriad of medical reports during his 50-year career, all that have led to a considerable reputation among a wide range of people. He is revered by everyone, from his colleagues at St. Mary's to VIP's at the Department of Energy to his friends at the National Cancer Institute.

Today, the 82-year-old Dr. Saccomanno continues his work in the field he has grown to love. Each morning he makes the daily trek from his home to the lab where he continues to look at his vast collection of tissue samples, lung X-rays, and secretions searching for a clue that would someday lead to a cure for cancer. Dr. Saccomanno's obvious dedication to his life's work and the medical field is something that is admired by all.

I would like to take a moment today to thank Dr. Saccomanno for both his efforts in finding a cure for cancer, as well as for all that he has done for his community. He is an excellent example of how important dedication and perseverance are in one's personal and professional life. He sets a standard that we should all strive to emulate. It is an honor for me to count Dr. Saccomanno as one of my constituents and to represent him in Congress.

HONORING DOUGLAS M. BARRETT

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. BASS. Mr. Speaker, I rise today to recognize the accomplishments of a resident of Nashua, New Hampshire, Mr. Douglas M. Barrett, on the occasion of his retirement from Sanders, a Lockheed Martin Company. Mr. Barrett's 41 years of dedication to improving our Nation's security, and his devotion to his community, set a standard of commitment and excellence for which we should all strive.

Since beginning his employment at Sanders Associates in 1957, Mr. Barrett has been an integral part of the development and fielding of intelligence, surveillance and reconnaissance systems that have been critical to keeping the peace when possible and prevailing at war when necessary. His devotion to getting the best possible technical solutions into the hands of our soldiers, sailors and airmen in the shortest periods of time, and at the best value to the government is to be greatly commended.

As the Vice President and General Manager of the Surveillance Systems Business Area of Sanders since 1982, Mr. Barrett has been instrumental to the growth and stability of the economy in and around Nashua through the creation of jobs. He has also played a major role in providing educational opportunities for the citizens of the greater Nashua area as a board member and past president of the Adult Learning Center.

Mr. Speaker, I ask you to join with me in recognizing the unwavering commitment and total dedication of Mr. Douglas M. Barrett to his company, community and country.

"LET'S GET TOUGH ON DRUGS"

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. PACKARD. Mr. Speaker, I rise today to ask if the Clinton Administration has any defined position on casual drug use and any specific strategy to fight drug abuse in our schools, our workplaces and our homes.

A few weeks ago, I was pleased to hear the White House drug policy chief Barry McCaffery's harsh words of criticism for the liberal drug policies he observed while traveling through Europe. General McCaffery strongly criticized the approach of the Netherlands, where marijuana and other drugs are legal, and called the result of their policies "an unmitigated disaster."

Mr. Speaker, there is absolutely no doubt that legalizing marijuana would have disastrous results for any society. General McCaffery pointed that there are now over 1200 "pot clubs" in Holland alone. Crime has risen and the state is now responsible for thousands of heroin addicts that now require extensive methadone treatment.

According to today's Washington Post, General McCaffery has once again modified his remarks and is now calling the drug policies of countries like Holland "very impressive." Mr. Speaker, I know General McCaffery is tough on drugs. We've heard his 'zero' approach time and time again and I applaud him for that. However, I believe General McCaffery was right when he first offered his opinion on policies of nations like the Netherlands when it comes to drugs.

Mr. Speaker, this Administration continues to send mixed signals on casual drug use. Meanwhile, children all over America are faced with the temptation to try drugs every day.

Those nations that choose to tolerate recreational drug use are going down a very dangerous path. The statistics of drug-related health problems and death in those countries can not be disputed. Mr. Speaker, it's time for this Administration to stop worrying about criticizing our friends in Europe and start worrying about the protection and welfare of our own children.

[From the Washington Post, Tues. July 21, 1998]

DRUG CHIEF MITIGATES SLAP AT DUTCH

AFTER TOUR, MCCAFFREY SOFTENS HIS CRITICISM OF DRUG POLICIES

By Michael Grunwald

Less than two weeks ago, White House drug policy chief Barry R. McCaffrey sparked an international stir by attacking Dutch drug-fighting policies as "an unmitigated disaster." Yesterday, he offered a new description of their efforts: "very impressive."

McCaffrey is still no fan of the permissive Dutch attitude toward marijuana, and he was appalled by a "heroin provision" experiment for addicts he saw during a one-day dash through the Netherlands last week. But he said he was pleasantly surprised by aggressive Dutch efforts to rein in drug smuggling, "drug tourism" and drug-related violence.

He even said that the United States could learn a great deal from the expansive Dutch approach to funding drug treatment, especially methadone programs for heroin users.

"I am envious of their ability to deliver drug treatment and health care to heroin addicts," said McCaffrey, director of the Office of National Drug Control Policy. "Our program is inadequate in coverage."

It was quite a change of tune for McCaffrey, who made front-page news in the Netherlands with his "unmitigated disaster" comment during a July 9 appearance on a CNN talk show. McCaffrey said on the program that Dutch acceptance of marijuana as a harmless "soft drug" has fueled dramatic increases in crime and warned that official toleration of nearly 1,200 "cannabis clubs" in the Netherlands was setting a terrible example for Europe. The Dutch ambassador to the United States, Joris Vos, responded that he was "confounded and dismayed" by McCaffrey's remarks.

McCaffrey, a four-star general who served with distinction in the Vietnam War and the Persian Gulf War, has courted controversy since President Clinton named him to lead America's war on drugs in 1996. He was a bitter critic of needle exchange programs, then muted his criticism somewhat after Clinton endorsed them as a useful tool against AIDS. He praised Mexico's top anti-drug official, Gen. Jesus Gutierrez Rebollo, as "an honest man," then professed shock when Gutierrez was arrested in a corruption sting after just 10 weeks in office.

Yesterday, in a news conference about his week-long swing through six European countries, McCaffrey acknowledged that he had overstepped with his "unmitigated disaster" criticism of the Dutch. "In a more balanced vein, I'd suggest that there are areas of agreement and areas of disagreement," he said. "Friends can disagree with friends."

Dutch officials yesterday said they welcomed his more conciliatory tone. "I think he made a good visit and learned a lot," said embassy spokeswoman Madelien DePlanque. "He doesn't agree with everything we do, but he's entitled to an opinion."

McCaffrey visited a methadone program in Amsterdam and said he came away impressed by the ease with which Dutch heroin addicts can get treatment. In America, he said, methadone clinics are few and far between, and addicts who do find them often face a maze of bureaucratic obstacles; only 115,000 of the estimated 800,000 U.S. heroin addicts currently get methadone.

McCaffrey also said he now believes that the Dutch are doing an "excellent job" cracking down on serious drug crimes and getting though with "drug-daze" foreign tourists who visit the country for its marijuana-selling "coffee shops."

But McCaffrey is not quite ready for America to go Dutch when it comes to drug abuse. He criticized the toleration of cannabis clubs as "legal hypocrisy." He distributed statistics indicating dramatic across-the-board increases in crime and drug-related deaths in the Netherlands since 1978. He said he was disturbed by his visit with Rotterdam scientists who are dispensing heroin to 750 addicts. And he warned that "this beautiful, clean, quiet little country" has become a production and distribution hub for much of the European drug trade.

"They just haven't connected their problems to their attitudes towards drug abuse," McCaffrey said. "They seem to think marijuana is benign. It's not benign."

McCaffrey refused to visit a cannabis club, explaining that he already knows what people look like when they smoke pot. But he's done calling Dutch policy an "unmitigated disaster."

"You can say it's a mitigated disaster," he said.

RELATING TO THE IMPORTANCE OF JAPANESE AMERICAN RELATIONS

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 1998

Mr. BERMAN. Mr. Speaker, I rise to urge support for H. Res. 392, relating to the importance of Japanese-American relations and the urgent need for Japan to more effectively address its economic and financial problems. I am an original cosponsor of this resolution as Ranking Member on the Asia and Pacific Subcommittee of the International Relations Committee.

One reason for this resolution was our appreciation of the vital contribution Japan makes as the world's second largest economy, to global economic growth, especially to the Asian Pacific region. The importance of maintaining the vitality of our security relationship with Japan in all its dimensions—economic, political, and military—is critical to American policy in the region. When Japan suffers, we suffer. When Asia is sick, Japan becomes ill too.

Curing one means helping both. We need that cure for our economic benefit. As one witness before the Subcommittee, Robert Grondine of the American Chamber of Commerce in Japan, pointed out, the Chamber represents over one thousand American companies doing business in Japan. It is in our economic self-interest to see a growing Japanese economy.

For many years, Japanese prosperity has permitted it to evade the need for the profound economic reforms which have been so obvious to both Japanese and foreign observers.

While there has been much discussion about the need for economic stimulus which will accelerate consumer demand, I am more interested in seeing the type of structural reform which will result in lasting economic change in Japan. Reform of the financial sector and greater market access for foreign competitors are particularly important.

I am confident that Japan will surmount its difficulties. The resilience and capability of the Japanese people have been proven through many times of trial.

In introducing H. Res. 391, Mr. BEREUTER and I hope that we will further the constructive economic dialog between our two countries in a way that deepens our ties.

NORTHERN IRELAND VISA FOR PEACE AND RECONCILIATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. WALSH. Mr. Speaker, as Chairman of the Friends of Ireland and member of the Ad-Hoc Committee for Irish Affairs, I am inviting all of my colleagues to join us as cosponsors of the Northern Ireland Visa for Peace and Reconciliation.

Over the last few weeks, the world has witnessed events symbolizing both the hope for the future in Northern Ireland and the tragedy of its past. The politics of the gun has been replaced with the politics of the ballot box. A majority of men and women on all sides of the conflict have given their overwhelming support for the Good Friday Agreement and stood together in condemnation of last week's violence and murder. This initiative is aimed at helping those who are working for a new beginning.

In May, the Speaker of the Irish Dail, Mr. Seamus Pattison, led a delegation to Washington for a meeting of the U.S.-Ireland Interparliament. During those meetings, the Irish continually raised the idea of a new U.S. transitional visa program designed to support the implementation of the peace agreement.

The Northern Ireland Visa for Peace and Reconciliation creates a non-immigrant, temporary working visa category targeted at individuals from disadvantaged areas in Northern Ireland and Border Counties of the Republic. It would allow young unskilled people from disadvantaged areas a brief period of time to learn a craft, get a temporary job and experience the diversity of the United States. After their visit, they would return home ready to share the benefits derived from working in the world's greatest economy.

In the past several years, we have seen 800 years of Irish history take a dramatic shift toward peace. We believe this Visa program will further cement that progress. I hope all Members will join us in supporting this low-risk, low-cost, high-return investment in support of peace in Northern Ireland.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. COBLE. Mr. Speaker, on July 20, the House considered several measures under suspension of the rules. On rollcall votes 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, and 308 had I been present I would have voted "yea."

On this date, I was representing the Subcommittee on Courts and Intellectual Property at a meeting of the National Music Publishers Association. I had committed to participating in this event prior to the scheduling of votes.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday I was unavoidably detained and missed four rollcall votes (297, 298, 299 and 300). If I had been present, I would have voted "aye" on all four votes.

PRESENTATION TO THE CONSTITUTION SUBCOMMITTEE, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. PITTS. Mr. Speaker, I submit the following for the RECORD.

STATEMENT BY CONGRESSMAN JOSEPH R. PITTS ON LETHAL DRUG ABUSE PREVENTION ACT, (H.R. 4006), JULY 14, 1998

Mr. Chairman, thank you for the opportunity to speak in support of H.R. 4006, the Lethal Drug Abuse Prevention Act of 1998. This bill will prohibit the dispensing or distribution of a controlled substance in order to cause or assist suicide or euthanasia.

Mr. Chairman, I strongly believe that we can and must do better for our disabled and ill citizens than kill them. You cannot solve problems by getting rid of the people to whom the problems happen. When a teenager says her life is not worth living because she has lost her boyfriend, we don't say, "Well, that's her choice." We recognize it as a cry for help, as a view that can and will be changed.

Statistics show that of those who attempt suicide and are stopped, less than 5% have gone on to kill themselves five years later. What a tragedy it would be for the more than 95% who survived if we had turned our backs and not tried to stop them from taking their lives. Sadly, that is exactly what opponents of H.R. 4006 seek to do.

I know that it will be said it is different for those who are terminally ill. But a study published in the American Journal of Psychiatry found that of the 24% who are terminally ill who said they wanted to die, all were suffering from clinically diagnosable depression. Depression is an illness, and it distorts judgment. We should treat it in terminally ill individuals as much as in others.

Let no one suppose, however, that this is an issue that applies only to the terminally ill. Authorizing assisted suicide for those with terminal illness is only the tip of the iceberg. We can see what happened in the Netherlands. In 1981, a Dutch court said that under certain conditions, a doctor could assist a terminally ill person's suicide. In 1982, another court extended that to elderly people who were not terminally ill, but in chronic bad health, a decision upheld by the Dutch Supreme Court in 1984. In 1986, the Dutch Supreme Court said that people with disabilities could be killed.

In 1989 Holland moved from voluntary assisted suicide to nonvoluntary euthanasia when the Supreme Court said that doctors could give lethal injections to children born with Down syndrome. In 1991 a Dutch court legitimized killing a 25 year old woman with mental illness, and in 1994 the Supreme Court said that a woman, with no physical illness or disability, but who was depressed because of the death of her last remaining child, could be killed.

Once you accept the view that death is a solution to human problems, it becomes very hard to draw lines. Gradually, it will be seen as an answer to more and more problems, for less and less weighty reasons. We in America must not start down that road.

My colleagues from Oregon argue that Congress has no business in this area, that it should be left entirely up to the state of Oregon. They miss the point that we are talking about federally controlled drugs. Under

existing federal law, it is generally illegal to dispense or distribute these drugs unless you have a special license or "registration" from the federal government. If you are a medical practitioner or pharmacist, you are granted that federal registration to prescribe certain of these federally controlled substances for a legitimate medical purpose.

Congress passed the Controlled Substances Act in the first place because drug abuse is a national problem. A state cannot nullify the federal law if it chooses, as a matter of state law, to legalize the use of heroin or LSD. The same Attorney General who overturned the ruling of the professionals at the federal Drug Enforcement Administration on this matter has successfully gotten injunctions to close cannabis clubs in California that were selling marijuana for supposed medicinal purposes as authorized by a California referendum.

Mr. Chairman, you can't have it both ways. If my distinguished colleagues from Oregon really want to assert states' rights, they should be pushing for the complete repeal of the federal Controlled Substances Act. But while it is in effect, for the federal government to permit the dispensing of otherwise prohibited federally controlled drugs to kill patients means the federal government is affirmatively facilitating assisted suicide.

The American people don't want this to happen, by a margin of more than 2 to 1. A Wirthlin Worldwide poll in March found that 65% oppose allowing the use of "federally controlled drugs for the purpose of assisted suicide and euthanasia."

Mr. Chairman, the Declaration of Independence describes life as something that is "inalienable"—a right so fundamental that it cannot be given away even voluntarily. The principal author of the Declaration, Thomas Jefferson, wrote in 1809 that "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government."

Our country stands at a crossroads between the way of death and the way of life. I urge that this subcommittee lead us in the life-affirming direction by reporting out the Lethal Drug Abuse Prevention Act of 1998.

TRIBUTE TO KELLY RITTER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Kelly Ritter of Darlington, South Carolina, on the fiftieth anniversary of his involvement in the tobacco business. Mr. Ritter is a well-known figure in the South Carolina tobacco community, and the State has greatly benefitted from his commitment to improving both the quality of our fields and the well-being of the persons whose lives revolve around tobacco crops.

Originally from North Carolina, Mr. Ritter attended North Carolina State University. He entered the United States Army Corps following college, and joined the troops headed to fight in World War II. Just as he was finishing his last bombing missions in Germany, Mr. Ritter was shot down in his plane. He was captured by the Germans and held as a Prisoner of War for 485 days.

After the war, Mr. Ritter moved from Lumberton, North Carolina, to Darlington, South Carolina. He became very involved in the local community, serving as an elder in the Presbyterian Church in Darlington, where he is still a Member. President of the South Carolina Tobacco Warehouse Association, Mr. Ritter acted as a liaison between tobacco companies and farmers, and he worked diligently to improve the tobacco industry and help those involved in it. He has also served on a number of other federal and state tobacco committees.

In addition to his demonstrated commitment to the tobacco industry, Mr. Ritter is also a dedicated husband and father. He has been married to the former Bess Stallings for 52 years. Together, they have raised four children: Kelly, Jr., William Keith, Eliza, and Susan.

Mr. Ritter is well-known in the Darlington area because of his many years of service from the dual perspectives of farmer and tobacco warehouse agent. he has supported his field and his community in numerous capacities with persistence and hard work. Mr. Speaker, I ask my colleagues to join me in congratulating Kelly Ritter, Sr., on the fiftieth anniversary of his involvement in the tobacco business in Darlington County, South Carolina.

TROPICAL FOREST CONSERVATION ACT OF 1998

SPEECH OF

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. KASICH. Mr. Speaker, I rise in strong support of H.R. 2870, the Tropical Forest Conservation Act of 1998. First, let me commend the gentleman from Ohio (Mr. PORTMAN) for his leadership on this bill. Because of the diligent efforts of the gentleman from Ohio (Mr. PORTMAN), the gentleman from Indiana (Mr. HAMILTON), and the gentleman from New York (Mr. GILMAN), we have a good bill to solve the problem of rainforest depletion at its source.

The preservation of tropical forests is essential for countries all over the world. Tropical forests provide a habitat for a diversity of plants used for life-saving medicines and the treatment of disease. Tropical forests also help to stabilize global rainfall, vital to the health of agricultural crops and coastal communities. This bill provides an economic incentive to stop the rapid deforestation and degradation of this important ecosystem.

Most tropical forests are located in developing countries. Burdened by debt and desperate for capital, many developing countries have sacrificed tropical forests to logging or agricultural development. Some of the countries where rainforests are located owe millions of dollars to the United States which are unlikely to be repaid. This bill establishes a system to rechannel developing nations' financial resources to tropical forest preservation and provide relief from crippling debts.

This bill expands the Bush administration's Enterprise for the Americas Initiative (EAI) which established debt-for-nature swaps with Latin American countries. H.R. 2870 offers debt relief to countries with important resources beyond the Americas. Through debt-for-nature swaps, the United States would forgive or restructure debt for qualifying developing countries with threatened tropical forests. In exchange, countries would make payments to an independently administered fund used to conserve and restore tropical forests. This bill also permits a debt buyback mechanism to allow third parties to purchase debt for a beneficiary country or permit the debtor country to repurchase its debt at a fair market value. Furthermore, this bill is fiscally sound. Any funds spent as a result of this bill are fully offset in the appropriations process.

Again, I would like to thank the gentleman from Ohio (Mr. PORTMAN) for his hard work in bringing this to fruition. In conclusion, this is a creative and pragmatic solution to benefit tropical forest conservation as well as the economic prosperity of developing nations. I ask my colleagues to support this bill.

CELEBRATING THE 50TH WEDDING ANNIVERSARY OF DR. BURL AND REBA PFANDER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. BLUNT. Mr. Speaker, the greatness of America, in large part, depends on the goodness of its families. The course of our nation is not steered so much by media personalities, or intellectuals, or politicians, as much as it is set by husbands and wives committed to each other, to their children, and to their communities. Dr. Burl and Reba Pfander, of Springfield, Missouri, are such a couple.

On September 5th, Burl and Reba will be celebrating their fiftieth wedding anniversary. When a young World War II veteran married his attractive bride in 1948, they made a lifelong commitment to each other. In an age when many people have entered and exited marriages with startling rapidity, Burl and Reba Pfander have kept their promise. They have stood as an example of what marriage should be: a solemn commitment, a life-long partnership, and a relationship of love and honor. As a result, their marriage has enriched their own lives and the lives of their family beyond measure.

The commitment of Burl and Reba to family and to the future is reflected in their son, Michael. Michael has become a veterinarian, continuing his father's private practice of thirty-eight years. Michael has gone on to form his own family; he and his wife, Jeanne, are the parents of Burl and Reba's granddaughter, Meghan Michelle. Burl and Reba Pfander have raised a son that any family would be proud of, with the type of values every son should have. The most important obligation of each generation is to pass on a set of values to the next generation. The Pfanders have met that obligation.

Outside of their family, Burl and Reba's marriage has benefited an entire community. The Pfanders have been involved with local youth organization for many years. Reba has been named an honorary farmer of the Nixa, Missouri, chapter of the Future Farmers of America. Burl has supported the FFA, 4–H,

and the Missouri Junior Polled Hereford Association. Both Pfanders are active members of their local church, and they serve as volunteers for community-wide events.

The Pfanders have also shown a strong commitment to giving young people opportunities to advance themselves through higher education. They have endowed an annual scholarship in memory of Reba's brother, Wallace Lanz, who was killed in World War II. The scholarship is given to support local high school seniors as they enter college. Burl and Reba also counsel aspiring veterinarians about their applications to veterinary colleges. Burl and Reba Pfander understand the importance of giving back to their community.

Fifty years ago, few people may have recognized the significance of the wedding of Burl Pfander to Reba Lanz, but today few people in their community can escape it. The Pfanders have remained committed to each other; they have been good parents and passed on their values to a son who has followed in his parents' path; they have been model citizens; and they have given of themselves to those around them. I am glad to give my congratulations to Dr. Burl and Reba Pfander on their fiftieth wedding anniversary.

PROTECTING IMMIGRANT DOMESTIC VIOLENCE VICTIMS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mrs. MORELLA. Mr. Speaker, in 1994, we passed the Violence Against Women Act (VAWA) with overwhelming support. VAWA contained provisions that were vital to the protection of abused immigrant women and children. We passed this legislation to ensure that abused spouses and children could flee violent homes, gain legal protections from ongoing violence, and cooperate in the criminal prosecution of their abusers.

Prior to VAWA the system ensured that abusive U.S. citizens and permanent residents maintained complete control over the immigration status of their spouses. Battered women could not file for lawful permanent residency without the assistance of their abusive spouses, and many abusive spouses maintained this control by refusing to participate in the petitioning process. Having no other options, these abused immigrant women and their children were forced to stay in violent homes enduring abuse and unable to appeal to law enforcement agencies, shelters, or courts for protection.

The immigration provisions of VAWA helped to solve these problems by giving battered immigrant women and their children some control over their own immigration status. VAWA created a self-petitioning procedure for battered immigrants that did not require the cooperation of their abusive spouses. Self-petitioners could acquire their green cards while remaining in the U.S. where our laws protected them. VAWA also allowed those abused immigrant women who had been placed in deportation proceedings to file for suspension of deportation, regardless of their marital status, so long as they had resided in the United States for three years.

However, subsequent legislation, including the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) of 1996 and the Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997, erased some of the protections we created for battered immigrant women and their children.

Expiration of Section 245(i) of the Immigration and Nationality Act (INA) forces many battered immigrant women, with approved INS petitions, to leave the U.S. to obtain their green cards. Expiration of Section 245(i) is contradictory to the intent of VAWA. Those women who have approved VAWA self-petitions have already shown INS that they would face "extreme hardship" by being forced to leave the country. Traveling outside the United States deprives these women of the protections provided by legislation, court orders, custody decrees, and law enforcement agencies. Many battered women would be separated from their children for an undetermined amount of time if forced to leave the U.S. Often these women are the sole caretakers of their children. There may be no one with whom the child could stay or they would, might remain in the custody of the abuser. If a battered mother leaves the country, taking her children with her, she could lose custody of the children to the abuser under the Parental Kidnapping Prevention Act (PKPA). Forcing these battered immigrant women and mothers to leave the country places their lives and the lives of their children in danger.

We should reinstate our protection of battered immigrant women by allowing them to adjust their status to lawful permanent residency while in the U.S. in the same manner we allow immediate relatives of U.S. citizens to adjust their status. This provision would provide battered immigrant women and their children with approved VAWA self-petitions to acquire their green cards while remaining in the U.S.

Other immigration provisions drastically altered battered women's access to VAWA's suspension of deportation/cancellation of removal in two ways: it changed the way INS counts the number of years an immigrant has been in the U.S. and applies these changes retroactively to cases already filed, and it places a "cap" on the number of immigrants who are allowed to receive green cards through suspension of deportation/cancellation of removal.

To apply for suspension of deportation/cancellation of removal, a battered immigrant or child must have been in the U.S. for three years. Recent changes only count an immigrant's time in the U.S. up to the moment that INS becomes aware of their presence, regardless of how long they remain in the United States for deportation proceedings to conclude. This is especially detrimental to battered women immigrants because in most cases the abuser controls all mail and telephone correspondence addressed to the battered spouse. These battered immigrants may never know that INS had placed them in deportation proceedings. Suspension of deportation/cancellation of removal is an important tool for these women who are unable to file self-petitions for permanent residence because their self-petitions have been sabotaged by spouses who divorce them or who report them to the INS. Suspension of deportation/cancellation of removal is often the only remedy available to battered immigrant women in this situation.

We must restore the original manner of counting years in the U.S. for battered immigrants only. Additionally, we should stop the retroactive application of this new counting and reopen old deportation cases for VAWA-eligible battered immigrants.

Four years ago we passed VAWA strongly believing that battered immigrant women should have access to legal protections, be able to flee violent homes, and control their own immigration status and lives. Let us stand by that position.

IN MEMORY OF EVERETT W. HANNON, SR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. SKELTON. Mr. Speaker, it is with great regret that I inform the Members of the House of the passing of Everett W. Hannon, Sr., a councilman from Lexington, MO, on July 17, 1998.

Mr. Hannon was a native of Lexington and a graduate of Douglass High School. He entered the United States Army in 1952, and was honorably discharged in 1954. He served on the Lexington City Council for over 20 years, and was also employed with Allied signal as a Cost Reduction Representative for 25 years, until his retirement in May of 1993.

Mr. Hannon was an active member of the Lexington community. In addition to serving on the city council, he was Chairman and Treasurer of the Lexington Park Board, Board and Executive Board Member of Missouri Valley Human Resource Development Corporation, and a member of the American Legion, the Lion's Club, and the Second Baptist church of Lexington.

Mr Hannon is survived by his wife Marjorie, three sons, two brothers, three sisters, an aunt, and seven grandchildren.

Mr. Speaker, Everett Hannon played many important roles in the Lexington community, and he will be greatly missed by all who knew him.

TRIBUTE TO OFFICER CANDIDATE SCHOOL GRADUATE, SANDRA BERNAL

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to honor my constituent, Sandra Bernal, on her recent graduation from Officer Candidate School (OCS). I am especially proud that Ms. Bernal, a resident of Teaneck, NJ, was awarded the Deputy Adjutant General Honor Graduate commendation upon her completion of

the program. Ms. Bernal's accomplishment is a credit to her commitment to excellence and to her family and community.

As a commissioned officer in the Armed Forces of the United States, Ms. Bernal will be contributing her considerable skills and talents to enhance our Nation's defense. Those same attributes that gained her a commendation during her OCS training will now, thankfully, be brought to bear during her service in the New Jersey Army and Air National Guard.

For her service to our Nation, her dedication to America's liberty and freedom, I applaud Ms. Bernal's achievement. In the finest sense, she represents the best of America.

TRIBUTE TO FATHER TOM RUSH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my dear friend Father Tom Rush, pastor at Mary Immaculate Catholic Church in Pacoima. Father Rush is leaving Pacoima for a leadership position in the international order of Missionary Oblates of Mary Immaculate. Father Rush will be sorely missed in the Northeast Valley. He is a figure beloved by people of all religious and ethnic backgrounds.

I have had the good fortune of being with Father Rush on many occasions. One of the most memorable was earlier this year when I attended dedication ceremonies for the rebuilt Mary Immaculate Church, which was destroyed in the Northridge Earthquake of 1994. The sanctuary was overflowing with church members and others who wanted to share the special day with Father Rush. That day I realized as never before how much Father Rush means to our community. He has touched countless lives through his spiritual guidance, commitment to social justice and dedication to helping at-risk youth.

Father Rush came to the Northeast Valley in 1973, when he became priest at Santa Rosa Church in San Fernando. In between other assignments he spent 13 years at Santa Rosa, before moving over to Mary Immaculate in neighboring Pacoima in 1992. At both Santa Rosa and Mary Immaculate, Father Rush, who is of Irish descent, established an extraordinary rapport with his overwhelmingly Latino congregants. It is entirely accurate to call Father Rush a leader in the burgeoning Latino community of the Northeast Valley.

In recent years, Father Rush has been a courageous and outspoken supporter of immigrant rights. Four years ago he carried an American flag in a demonstration against Proposition 187. In 1995 he was part of a group that met with Richard Rogers, District Director of the Immigration and Naturalization Service, to demand a speedier citizenship process. Rogers promised he would try.

Father Rush's pending departure has cast a pall over our community. Though we wish him the best, we also know that he is irreplaceable.

I ask my colleagues to join me in saluting Father Tom Rush, a man of warmth, compassion and remarkable energy who has brought joy and hope to many.

ISSUES FACING YOUNG PEOPLE TODAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD these statements by high school students from my home state of Vermont, who were speaking at my recent town meeting on issues facing young people today. I am inserting their statements in the CONGRESSIONAL RECORD as I believe that the views of these young persons will benefit my colleagues.

STATEMENT BY ISAAC EVANS-FRANTZ AND ALINA LYON REGARDING GAY-STRAIGHT ISSUES

ISAAC EVANS-FRANTZ: Growing up gay, lesbian or bisexual can be very difficult in the society that we live in. Many gay teenagers are subjected to homophobia every day of their lives. 93 percent of Vermont educators reported that homophobic name-calling takes place with great frequency and intensity in their schools. We can assure you that these educators are absolutely correct.

Gays are frequently harassed at school, and many drop out as a result. Those kids who hide their sexual orientations because of fear sometimes suffer just as much. It is not surprising that suicide is the leading cause of death among gay youth. An overwhelming percent of gay and lesbian youth experience severe social isolation. It is often difficult for these students to find the resources and support that they need within their schools.

The silence about homosexuality not only affects gays, but affects our entire society. We are caught in a cycle of fear and hatred, which comes from ignorance. It is obvious that the bigoted remarks about gays that are so prevalent in our hallways are the result of an education we have not had.

ALIANA LYON: Prism, Brattleboro's Gay-Straight Alliance, was started two years ago as the answer to an urgent need of support for gay, lesbian and bisexual youth. The Gay-Straight Alliance is open to all who wish to attend, and sexual orientation is not discussed unless initiated by the students. The Alliance plays two major roles—it acts as a support group and an activist group.

Our group is composed of about twenty students and is supported by trusted faculties and community members. Prism is a comfortable atmosphere of caring people where issues of harassment, sexuality, homophobia and personal fears are freely discussed. When we are not sharing stories or concerns, we are planning our next project to make people aware of homophobia in our school or society.

We started working within our school first. We led discussions on homophobia in the freshman health classes, trying to create an awareness of our group's existence and the social issue. To involve the community, we showed an educational video called 'It's Elementary.'' It discusses homosexuality with elementary school children, asking them what they think the definition of gay, lesbian or bisexuality means. It is followed by a sharing of experiences, ideas and information.

We have visited other gay straight alliances in Vermont and Massachusetts to inform each other of events happening, along with difficulties and successes of having an alliance in public schools. Statewide, Prism has visited the Vermont State House twice for Teen Day at the legislature. The second visit, we facilitated a workshop in how to start an alliance, and how to find the support needed to sustain an alliance. We are not funded by the school for any of these activities, and we have paid for our own expenses by grants and donations.

ISAAC EVANS-FRANTZ. There are still many schools that provide little assistance for gay, lesbian and bisexual students. We feel that this support is important to their social and academic well-being. We would like to see our governments—local, state, and national—provide financial backing for schools to initiate gay-straight alliances.

Massachusetts has done just that. In 1992, the Governor and Lt. Governor established a commission to research problems affecting gay and lesbian youth. As a result, the Massachusetts government offered monetary incentives for schools to start groups for gay and lesbian and straight students. Hopefully, the work of Massachusetts will serve as a model for Vermont and the country.

Our state has made progress towards making schools safer for gay students. In March, our Governor and Commissioner of Education wrote a letter to Vermont school principals urging them to stop the harassment of gay and lesbian students. He reminded schools that Vermont law requires every school to maintain a policy prohibiting the harassment, including harassment of homosexuals.

We hope that one day, gay and straight alliances will no longer be necessary. Until then, we ask that our schools, our state, and our nation take an active role in making our schools places where all students are safe, valued, and respected.

Congressman SANDERS: A very good job.

STATEMENT BY SCOTT RADIMER REGARDING THE E.U. AND FREE TRADE

SCOTT RADIMER: Good afternoon, for those of you that are left.

I would like to take this chance today to talk about something that I found most people don't know about, which is the European Union, 15 countries in Europe, including England, Germany, Italy and France, along with others who are joining together—this has been in the works for the last 40 years, I think, moving towards one market, one currency, and becoming one economic power.

As this has gone along, it has become one of the biggest markets in the world. The gross domestic product of the European Union in 1992 was higher than that of the United States or Japan. The reason that this is important, it is not affecting us right now, but it will be affecting us in years to come, when I am in the work force, when the rest of us are, is that we are going to have to compete with Europe. Many people talk about Japan and trying to compete with Japan, and this is going to be even bigger.

There are a few things that we can do. We could try and expand things, such as NAFTA, whereas Europe is moving more together, and North America could try and do similar things. We could also try and work just within the United States, or just Canada, or the rest of the parts of the world. The important things is not necessarily that we find a solution right now, but that we are at least aware that this exists and it is something we are going to have to deal with. It is better to

start looking at these things now, before we have a huge trade deficit with a country now, instead of later.

Thank you.

Congressman SANDERS: Scott, thanks very much.

STATEMENT BY DANIEL NELSON REGARDING TROUBLED TEENS

DANIEL NELSON: Thank you, Mr. Sanders, fellow youth. I apologize, I have a little bit of a cold I'm getting over.

An issue that has been big on my mind is a lot of young people that are placed under state's custody. Young people that aren't necessarily troublemakers are getting into trouble and have troubles at home. I was one of those young people. I am still young, but not in that position anymore. I was placed in a group home, not in a foster home, but there are problems with both.

A lot of the times, young people are taken out of a home environment that might not necessarily be good. They can escape from physical abuse, but they don't escape mental abuse. There are a lot of restrictions put on these young people, when, really, they don't need restrictions; they need to be encouraged, shown that they can succeed, and that they do have potential. That is the last thing these young people get in group homes and a lot of foster homes.

I am not a person that likes to whine about things; I like to do things and make changes. This is something I don't know how to change myself, at least at this point in my life. After college, I hope to try and do that. But my suggestion would be if there is some way that these group homes and foster homes could be evaluated more effectively. These people that are condescending, say mean, hurtful things, and impose restrictions that are really not necessary, that they be removed from these environments. They are damaging young people that could be very effective in society, and I think would like to, if given the opportunity.

And that is about all I have to say.

Congressman SANDERS: Thank you.